

ABSTRACT

Title of Document: HUMAN TRAFFICKING ON THE INTERNATIONAL AND DOMESTIC AGENDAS: EXAMINING THE ROLE OF TRANSNATIONAL ADVOCACY NETWORKS BETWEEN THAILAND AND UNITED STATES.

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Thai activists, Thai-based nonstate organizations, and Thai-based transnational networks have been integrally involved in trying to influence the Thai and international anti-trafficking agendas through their involvement with transnational and domestic advocacy networks since the early 1980s. However, despite significant activism against human trafficking and related issues in Asia in general, and in Thailand in particular, throughout the 1980s and 1990s, the U.S. government and the broader international community did not seriously begin paying attention to human trafficking until the late 1990s. In fact, it was not until 2000 that both the U.S. government and the United Nations developed significant anti-trafficking policies.

Why did it take until 2000 for the international community, including the U.S. government and many U.S.-based nonstate actors, to put the issue of trafficking on their political agendas, despite the fact that Thai-based nonstate actors and other Asian activists had been advocating for a response for nearly two decades? When the U.S. and the international community did finally put this issue on their agendas, how

did Thai-based nonstate actors respond to international and U.S. styles of agenda-setting in Thailand?

The issue of human trafficking has been put on the national political agendas in both the United States and Thailand; however, the issue took very different paths on its way to the agenda in each country. In the case of Thailand, we can find Thai activists working on related issues since the early 1980s, connecting and networking domestically and transnationally to advocate for a governmental response to complex international problems. In the case of the United States, an unlikely coalition of conservatives and feminist abolitionists has clashed with human rights organizations with regard to framing and defining human trafficking.

One argument of this dissertation is that the emergence and operation of domestic and transnational advocacy networks have been instrumental in framing human trafficking in such a way to keep the issue on the national political agendas of the United States and Thailand. The primary drivers of the transnational advocacy networks are nonstate actors, and they have played key roles in spotlighting this issue, networking with one another, and interacting with governments in creative ways to address human trafficking. The actors that stand out are the Thai NGOs – they have responded with savvy to the U.S. style of agenda-setting, i.e. they shrewdly navigate a political environment in Thailand where U.S.-based state and nonstate actors advocate for a particular way of framing the human trafficking issue. Thai nonstate actors have leveraged the hegemonic response of the U.S. government to improve the Thai government response to the issue of trafficking, as well as acquire additional resources for themselves from other donors.

HUMAN TRAFFICKING ON THE INTERNATIONAL AND DOMESTIC
AGENDAS: EXAMINING THE ROLE OF TRANSNATIONAL ADVOCACY
NETWORKS BETWEEN THAILAND AND UNITED STATES

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Preface

I first learned about the issue of “trafficking in women” in February 1998 when I attended a seminar at the Carnegie Endowment for International Peace in Washington, DC.¹ Representatives from the U.S. Department of State and a nongovernmental organization (NGO), Global Survival Network, were presenting information about Eastern European women being trafficked into Western European and U.S. cities for forced prostitution. I began researching the issue, and I found a plethora of published materials from nongovernmental and intergovernmental organizations about human trafficking. However, a dearth of book chapters and journal articles about the subject defined the academic sector. After presenting several papers at academic conferences and publishing an article on “trafficking in women,”² I felt that I had come to the end of the road in terms of how much more I could explore and understand about this issue using academic sources. I knew that the only way I could truly understand its complexities was to step into the world of activism and advocacy, all with the motive to better inform my research.

In 2002, I became deeply involved on a voluntary basis in a nongovernmental organization called Project HOPE International (that recently changed its name to Prevent Human Trafficking (PHT)) whose express purpose was to bridge the gaps

¹ Trafficking in Women: International and U.S. Responses. February 5, 1998. Briefing with officials from State Department and Global Survival Network. <http://www.carnegieendowment.org/events/index.cfm?fa=eventDetail&id=192> (accessed April 20, 2007).

² Andrea M. Bertone, “Sexual Trafficking in Women: International Political Economy and the Politics of Sex,” *Gender Issues* 18, no. 1 (2000): 4-22.

between activism, advocacy, and research on the issue of trafficking in Southeast Asia and the United States.³ During my first trip to Thailand in 2002 with PHT – the first of many – I found that the realities on the ground were quite different than what I had read in scholarly journals, and this realization intrigued me, specifically with regard to the relationship between Thai civil society organizations and the Thai government, and how those dynamics impacted the conceptual and political differences between prostitution and trafficking. I returned to Washington, DC determined to advocate through my research for a more complex understanding of the transnational complexities of human trafficking. I co-wrote and published a second article that attempted to illuminate the complexities of the visible and invisible “sex trade” in Thailand, to spotlight less mainstream academic research on the subject, to highlight the nonstate actors addressing human trafficking and related issues, and to question some of the Western preconceptions and assumptions about “trafficking in women and children” in Thailand.⁴ In 2003, I was hired by an international development organization, the Academy for Educational Development, to direct a new Web site project, <http://HumanTrafficking.org>, funded by the United States Department of State. The idea for creating a Web site that would provide a comprehensive resource for organizations and government agencies in Southeast and East Asia and the United States came out of a regional conference on trafficking called the Asian Regional Initiative Against Trafficking (ARIAT). ARIAT was jointly hosted by the U.S. and the Philippines governments in Manila in April 2000

³ See Prevent Human Trafficking Web site <http://preventhumantrafficking.org>

⁴ Christina Arnold and Andrea M. Bertone, “Addressing the Sex Trade in Thailand: Some Lessons Learned from NGOs, Part I,” *Gender Issues* 20, no. 1. Winter (2002).

and invited people from dozens of nongovernmental and international organizations, as well as approximately 18 governments to discuss better ways of combating human trafficking in the region. I am still the Director of this Web site project.

During the trip to Thailand in July 2002 with PHT, we met with Thai NGOs who first told us about the International Justice Mission (IJM), an American, faith-based NGO operating in Thailand. IJM had set up an office in Northern Thailand with the goal of rescuing young girls and women from prostitution. Despite IJM's good intentions, their operations offended many Thais and internationals. Thai activists with whom we met told us about some of the IJM operations that had them particularly outraged. For example, former American law enforcement officers employed by IJM would physically break down brothel doors in Thailand and "rescue" the girls and women out of the brothels. IJM staff made little or no effort to determine if the females were women or children, nor did they make a distinction between those who were forced into prostitution and those who were working as prostitutes voluntarily. IJM did not have appropriate places to house these girls and women after they were "rescued." Therefore, IJM locked them in other dwellings, or asked, at the last minute, other shelters in Northern Thailand to take the girls and women. IJM did not undertake the rescues entirely by themselves; they would seek the cooperation of Thai police in Northern Thailand. The Thai NGO activists told us that IJM would tell the Thai police that their activities were being monitored by the U.S. government and that if they cooperated with IJM, they would receive a commendation from the U.S. government for their work. IJM's logo was very similar in appearance to the U.S. Department of Justice's logo; therefore, Thai police mistook

the American group for an arm of the U.S. government and IJM did not disabuse them of this belief. On that trip, we requested a meeting with IJM staff in Chiang Mai to give them an opportunity to explain their activities. However, their secretary told us that no one from IJM could meet with us.

Thai activists implored us, as Americans, to raise awareness in Washington about IJM's controversial activities. We did not take this request lightly. In October 2002, Christina Arnold, Executive Director of PHT, and I met with the Director of Interventions at IJM's headquarters in Virginia. We told the Director of Interventions that IJM's activities in Thailand were little appreciated and, in fact, were perceived to be doing more harm than good. We soon learned that IJM was politically well-connected in Washington, but few in the anti-trafficking community in Washington who supported IJM knew what really was going on in Thailand. By spearheading from Washington a transnational advocacy network against IJM, little did we know that PHT was stepping into a political minefield in which it would still be embroiled several years later.

Each successive year I traveled to Thailand after 2002, IJM was always the topic of conversation among the international organizations. However, IJM continued to work in Northern Thailand despite a great deal of Thai and international criticism leveled against them. IJM's faith-based, Christian messages not only appealed to individual and corporate donors who believed that rescuing girls out of brothels in foreign lands was noble, but it also afforded them a favored place in the upper echelons of the U.S. government.

During five separate trips to Thailand between 2002 and 2006, I was enormously fortunate to meet with and formally interview nearly all the major players in Thailand who are involved in combating human trafficking. These individuals work in Thai domestic NGOs, a variety of transnational and intergovernmental organizations, and the Thai government. My extended research trip in 2006 crystallized my understanding of the way Thai NGOs communicate with one another and their government, and the multi-faceted role of international organizations in facilitating or impeding that communication. Admittedly, I do not speak Thai; therefore, I am sure that I missed nuances about Thai society and politics. However, I was keenly aware of the necessity and importance of building trust with these Thai colleagues before asking for a great deal of information from them. It was only after four years of going to Thailand that I felt comfortable requesting more lengthy interviews from pioneers in the anti-trafficking movement. The combination of my involvement with PHT over several years and my networking through the <http://HumanTrafficking.org> Web site afforded me access to the individuals I felt could help illuminate the complexities of political relationships among organizations and government agencies. I am very grateful to all the individuals who gave me their time, and shared their ideas and information with me in a very open and trusting manner in the United States and in Thailand. It is my goal to present this research in a way that is true to them and their experiences, but at the same time protecting their identities when they asked me to do so.

I have come to realize that many depictions of the visible aspects of the sex trade in Thailand are made by Westerners who have stereotyped Thai women in the

role of “sex worker.” Though I cannot deny that my research lens is Western, I endeavored to use my training in the social sciences to help me be aware of the way that I depict Thailand, Thai people and culture. I also wanted to dispel the stereotype that civil society in Thailand is not particularly engaged on global social issues. In fact, the West has much to learn from the political actions and perspectives in Thailand, and the way in which state and nonstate actors address complex social problems.

My personal and professional journey has been focused on navigating the challenging political environment in Washington, DC and in Thailand, while staying true to my goals of academic research. My involvement at many levels on the more broadly conceived issue of human trafficking – academic, activist, and advocate – has informed my exploration and has brought me to this point where I can present the outcomes of this multi-year research project.

Dedication

I dedicate this dissertation to my family who has given me the best of themselves: my husband: Randy Jackson; my parents: Bernard and Maria Bertone; my brother: James Bertone; my grandparents: Leonard and Mildred Cavallaro, and Anthony and Paula Bertone.

I credit my grandfather, Leonard Cavallaro – a man whose ideas were before his time, – for instilling in me a keen interest in international affairs.

Acknowledgements

I would like to acknowledge the dozens of individuals in the United States and in Thailand who, over the last decade, generously gave me their time to tell me their story or to explain the work of their organization. Not only was I able to learn a great deal about the nuances of combating human trafficking, but I was inspired by their intense sense of commitment.

I would like to thank sincerely Christina Arnold, Executive Director of Prevent Human Trafficking, who has been a constant source of motivation, enthusiasm, and inspiration. I appreciate her friendship and collegiality, her never-ending source of new ideas, and her ability to look to the future and see only hope.

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List of Abbreviations

AED	Academy for Educational Development
CAST	Coalition to Abolish Slavery & Trafficking
CATW	Coalition Against Trafficking in Women
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CIA	Central Intelligence Agency
COMMIT	Coordinated Mekong Ministerial Initiative on Trafficking
COYOTE	Call Off Your Old Tired Ethics
CPCR	Center for the Protection of Children's Rights
CCPCR	Chiang Mai Center for the Protection of Children's Rights
CSEC	Commercial Sexual Exploitation of Children
DAI	Development Alternatives Incorporated
DEPDC	Development and Education Programme for Daughters and Communities
ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (formerly End Child Prostitution in Asia Tourism)
ECTWT	Ecumenical Coalition on Third World Tourism
FACE	Fight Against Child Exploitation
FFW	Foundation for Women
FXB	Association François Xavier Bagnoud
GAATW	Global Alliance Against Traffic in Women
GSN	Global Survival Network
HIV/AIDS	Human Immunodeficiency Virus/ Acquired Immune Deficiency Syndrome
IGO	Intergovernmental Organization
IJM	International Justice Mission
IMPECT	Inter Mountain People Education and Culture in Thailand Association
IHRLG	International Human Rights Law Group
ILO	International Labour Organization
ILO/IPEC	International Labour Organization, International Programme to Eliminate Child Labor
IO	International Organization
IOM	International Organization for Migration
INGO	International Nongovernmental Organization
IR	International Relations
Lao PDR	Lao People's Democratic Republic
MAG	Mirror Art Group/ Foundation
MAP	Migrant Assistance Program
MFA	Ministry of Foreign Affairs
MOU	Memorandum of Understanding
MRLC	Mekong Regional Law Center
MSDHS	Ministry of Social Development and Human Security
NGO	Nongovernmental Organization

NLC	New Life Center
NYB	National Youth Bureau
ONCWA	Office of the National Commission for Women's Affairs\
PHT	Prevent Human Trafficking (formerly Project HOPE International)
PICW	President's InterAgency Council on Women
PM	Prime Minister
RTG	Royal Thai Government
RTP	Royal Thai Police
SPOG	Senior Policy Operating Group
STV	Foundation Against Trafficking in Women
SWAN	Shan Women's Action Network
TAF	The Asia Foundation
TAN	Transnational Advocacy Network
TIP	Trafficking in Persons
TRAFCORD	Anti-Trafficking Coordination Unit in Northern Thailand
TVPA	Trafficking Victims Protection Act
U.S.	United States
USAID	United States Agency for International Development
UN	United Nations
UNESCAP	United Nations Economic and Social Commission for Asia and the Pacific
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	United Nations High Commissioner for Refugees
UNIAP	United Nations Inter-Agency Project on Trafficking
UNICEF	United Nations Children's Fund
WHISPER	Women Hurt in Systems of Prostitution Engaged in Revolt
WIC	Women's Information Centre

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Chapter 1: Human Trafficking: The Role of Nonstate Actors in Framing a Political Minefield

Introduction

In 1982, a young Thai woman activist attended a small workshop in Rotterdam, the Netherlands. Sudarat Sereewat, one of 32 participants and one of two Thai nationals, was invited by Western academics to discuss a little known problem of “female sexual slavery.” One of the goals of the conference organizers was to form a transnational network of like-minded women from various parts of the world to raise awareness and advocate to governments and international organizations about the importance of addressing this issue. Three years earlier, one of the workshop organizers – an American named Kathleen Barry – published the groundbreaking book *Female Sexual Slavery*.⁵ The book had unearthed an issue that had been on the international agenda nearly thirty years earlier, but then mysteriously disappeared from the global radar of human rights activists until the early 1980s. Barry, along with the other two organizers – Charlotte Bunch and Shirley Castley – tried to build on renewed interest sparked by Barry’s book. The workshop in Rotterdam provided an opportunity for women from Europe, North America, Asia, and Africa to connect with one another about problems facing women everywhere. However, despite the

⁵ Kathleen Barry, *Female Sexual Slavery* (New York: New York University Press, 1979).

enthusiasm and intentions of the organizers, no lasting network formed from the conference.⁶

At the time, Sudarat was volunteering with the World Council of Churches in Europe by providing assistance to Thai women who had migrated to European countries for work or marriage and found themselves in very difficult circumstances such as forced prostitution or abusive marriages. Sudarat eventually returned to Thailand where, in the early 1990s, she became involved in an international research project organized by the Ecumenical Coalition on Third World Tourism (ECTWT) to study the negative impact of Western tourism in Asia. At a conference in Chiang Mai, Thailand, researchers reported on the findings of the study. They had found that one of the negative influences of Western tourism in Asia was an increase in child prostitution in tourist hotspots. In 1995, the conference organizers – comprised of mostly Asians, Australians and New Zealanders – successfully launched the End Child Prostitution in Asian Tourism (ECPAT) transnational advocacy campaign, with its headquarters based in Thailand. The goals of the campaign were to reach out to activists in North America and Europe in order to raise awareness about the problem of (male) Western tourists engaging in the commercial sexual exploitation of children in Asia, and to advocate to their governments to address the issue. After briefly serving as ECPAT's Executive Secretary in Thailand, Sudarat broke away from ECPAT and founded a Thai NGO – Fight Against Child Exploitation (FACE) – in order to monitor more closely cases of child exploitation in Thailand and advocate to

⁶ Margaret Keck and Kathryn Sikkink, *Activists Beyond Borders* (Ithaca: Cornell University Press, 1998), 178; Sudarat Sereewat, Fight Against Child Exploitation, interview with author, Bangkok, Thailand, June 30, 2002.

the Thai government for an improved response to finding and prosecute Western and other pedophiles. At the same time, other Thai civil society organizations were advocating to the Thai government for the passage of a domestic policy on trafficking, and in 1997, the Thai government passed the Measures to Combat Trafficking in Women and Children – several years before most countries acknowledged human trafficking as a significant social problem.

The other Thai woman participant at the Rotterdam workshop, Siriporn Skrobanek, is also a pioneer on women's issues and particularly the issue of trafficking in women in Thailand and in other countries. In 1984, she founded the NGO Foundation for Women (FFW). FFW's goals were to provide advice to Thai women planning to go abroad for work or marriage. A decade later, FFW hosted a conference in Chiang Mai that launched the Global Alliance Against Traffic in Women (GAATW), a transnational advocacy coalition against trafficking in women. GAATW, a Thai-based nonstate actor, was an instrumental player in advocating for an internationally-accepted definition of trafficking during the negotiations for the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (UN Protocol) in 2000.

The above narratives suggest that Thai activists, Thai-based nonstate actors, and Thai-based transnational networks have been integrally involved in trying to influence the Thai and international anti-trafficking agendas through their involvement with transnational and domestic advocacy networks since the early 1980s. However, despite significant activism against human trafficking and related issues in Thailand throughout the 1980s and 1990s, the U.S. government and the

broader international community did not seriously begin paying attention to human trafficking until the late 1990s. In fact, it was not until 2000 that both the U.S. government and the United Nations developed significant anti-trafficking policies. Given these observations, several puzzles emerge:

Why did it take until 2000 for the international community, including the U.S. government and many U.S.-based nonstate actors, to put the issue of trafficking on their political agendas, despite the fact that Thai-based nonstate actors and other Asian activists had been advocating for a response for nearly two decades? When the U.S. and the international community did finally put this issue on their agendas, how did Thai-based nonstate actors respond to international and U.S. styles of agenda-setting in Thailand? The reasons human trafficking rose to the top of the agenda in the United States had little to do with Thai transnational advocacy. However, when the U.S. did put this issue on its agenda, state and nonstate actors exercised hegemonic tendencies⁷ over already established anti-trafficking advocacy networks in Thailand. The outcome of this dynamic was the development of a new transnational advocacy network against the U.S. government and a U.S.-based international nongovernmental organization.

The goals of this research are to explore the main puzzles outlined above as well as some additional questions. What is the universe of domestic and international nonstate actors in Thailand working to address human trafficking? What have been their main anti-trafficking activities? What is the relationship between Thai-based nonstate actors and the Thai government, and how has this relationship changed in the

⁷ The term “hegemonic tendencies” is defined here to mean inclination to exercise predominant influence on the agenda of actors in another country.

presence of international organizations in Thailand? Who are the nonstate actors in the United States, what are their activities, and what is their relationship with the U.S. government? How did the actors in Thailand and the United States frame the issue in such a way to influence the agendas to combat human trafficking? How and why did this issue get onto the agenda in the United States, and what are the outcomes of the U.S. government's decision to make this issue a priority? At what point did U.S. and Thai actors begin interacting on this issue and what was the outcome of that interaction?

This introduction chapter provides a brief overview of anti-trafficking nonstate actors in Thailand and the United States. Definitions and theoretical frameworks applied in the dissertation are discussed and it is explained why an empirical study of an issue focusing on two countries is needed to improve theory-building on transnational advocacy networks. Finally, the findings and arguments are outlined, as well as the organization of the rest of the dissertation.

Nonstate Actors in Global Politics

Nonstate actors can be characterized by what they are not: actors not part of the government apparatus. However, the universe of nonstate actors is varied, and the lines demarcating these dichotomous categories are often blurry. The categories of nonstate actors can range from multi-national corporations, religious denominations, ethnic groups, epistemic communities, professional groups, foundations, and a variety of nongovernmental organizations, such as terrorist, environmental, human rights,

and charity organizations.⁸ The focus of this research is on the nonstate actors that fit the categories of domestic NGOs and international nongovernmental organizations (INGOs). Josselin and Wallace (2001) define nonstate actors in three ways: 1) organizations nearly or wholly autonomous from government funding and control, emanating from civil society, market, or political pressures beyond state control; 2) organizations operating as, or participating in, networks that extend across the boundaries of two or more states; and, 2) organizations acting purposefully in ways that affect political outcomes within one or more states.⁹

Since the 1970s, International Relations (IR) theorists have been remarking on the increase in numbers of nonstate actors, especially NGOs.¹⁰ Risse-Kappen (1995) and Keck and Sikkink (1998) made the argument that an increase in the number of nonstate actors globally has led to an increase in their influence in international affairs. For example, nonstate actors have considerable influence on the “formulation, implementation and enforcement” of human rights norms.¹¹

Nonstate actors operate *vis à vis* one another and the state. They can be a strong partner with, or act as a counterbalance to, the most powerful actor in the

⁸ Stephen D. Krasner, “Power Politics, Institutions, and Transnational Relations,” *Bringing Transnational Relations Back In*, ed. Thomas Risse-Kappen (Cambridge: Cambridge University Press, 1995), 277. Sanjeev Khagram, James V. Riker, and Kathryn Sikkink eds., *Restructuring World Politics* (Minneapolis: University of Minnesota Press, 2002a), 4.

⁹ Daphné Josselin and William Wallace, “Non-state Actors in World Politics: A Framework,” in *Non-state Actors in World Politics*, eds. Daphné Josselin and William Wallace (Hampshire: Palgrave Press, 2001), 2.

¹⁰ Robert O. Keohane and Joseph S. Nye, Jr., eds., *Power and Interdependence: World Politics in Transition* (Boston: Little, Brown, and Co., 1977).

¹¹ Asher Alkoby, “Non-State Actors and the Legitimacy of International Environmental Law,” *Non-State Actors and International Law* 3, no. 1 (2003).

international system, the state. NGOs have been described as the “vanguard of an emerging global civil society, challenging the instinctive authoritarianism of states and the power of international capital.”¹² Nonstate actors are engaged in different kinds of activities; however, the activities that are of interest in this research are those that seek to change the behavior of not only states,¹³ but other nonstate actors as well.

Domestic and International Nonstate Actors in Thailand and the United States

Whereas some scholars argue that Thai civil society is relatively weak, especially in connection to the consolidation of democracy in Thailand,¹⁴ others point to “an explosion of popular movements” since the 1990s.¹⁵ This explosion is true particularly in the arenas of environmental protection, general livelihood concerns, and women’s rights.¹⁶

With regard to human trafficking and prostitution, important civil society organizations have been making significant contributions to the development of domestic and international norms on human trafficking, and have been interacting closely with the Thai government and international organizations in Thailand for

¹² Josselin and Wallace, “Non-state Actors in World Politics,” 2.

¹³ See Thomas Risse-Kappen, ed. *Bringing Transnational Relations Back In* (Cambridge: Cambridge University Press, 1995).

¹⁴ Robert B. Albritton and Thawilwadee Bureekul, “Civil Society and the Consolidation of Democracy in Thailand,” Working Paper Series: No. 4, *Asian Barometer* (2002).

¹⁵ Pasuk Phongpaichit, “Recent Popular Movements in Thailand in Global Perspective,” *Asian Review* 15 (2002): 1.

¹⁶ Ibid.

many years. These activities can be seen as being part of the aspect of the Thai women's movement that focused on violence against women. Nonstate actors working on anti-trafficking and related activities in Thailand can be placed into different categories: *domestic nongovernmental organizations* such as the Center for the Protection of Children (CPCR), Development and Education Programme for Daughters and Communities (DEPDC); *domestic advocacy networks* such as Anti-Trafficking Coordination Unit in Northern Thailand (TRAFCORD); *Thai-based transnational nongovernmental organizations* such as FACE and FFW; and *Thai-based transnational advocacy campaigns* such as GAATW and End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (formerly End Child Prostitution in Asia Tourism) (ECPAT).¹⁷

The United States has experienced a long history of vibrant civil society and active nongovernmental organizations working on every conceivable social issue. Unlike Thailand whose domestic organizations commonly work with international organizations, in the United States there is a greater distinction between organizations who work domestically and transnationally. After 2000, a cadre of U.S.-based international nongovernmental organizations engaged Thai nonstate actors in Thailand as part of the overall growth in the number of organizations formed to address human trafficking. An important focus of this dissertation is to explore the ways in which Thai NGOs and activists set the agenda in Thailand and internationally, and how U.S.-based nonstate actors interacted with the already established advocacy networks in Thailand.

¹⁷ Additional descriptions of these organizations can be found in the Appendix.

Mobilization of Nonstate Actors: Framing and Agenda-Setting

Nonstate actors are important players in domestic and international politics. Despite the fact that most agree that the state is still the most powerful actor in the international system, the role of nonstate actors are intriguing to study because their relationship *vis à vis* the state represents a change in traditionally conceived domestic and international political relationships. What is most relevant about nonstate actors, particularly in transnational space, is their interaction with the state and how they reach out and communicate with nonstate actors in other countries. If the goal is to understand how nonstate actors are impacting domestic and global politics, particularly on the issue of human trafficking, then one appropriate tool to analyze their interactions with other actors is the formation and operation of networks.

Risse-Kappen (1995) defines “transnational relations” as “regular interactions across national boundaries when at least one actor is a non-state agent or does not operate on behalf of a national government or an intergovernmental organization.”¹⁸ Theories evolved on nonstate actors networking across borders. Keck and Sikkink (1998) argue that the interaction that nonstate actors have “with each other, with states, and with international organizations...are structured in terms of networks.”¹⁹ Networks that are comprised of people who are advocating on behalf of an issue, “distinguishable largely by the centrality of principled ideas or values in motivating

¹⁸ Thomas Risse-Kappen, “Bringing Transnational Relations Back In: Introduction,” in *Bringing Transnational Relations Back In*, ed. Thomas Risse-Kappen. (Cambridge: Cambridge University Press, 1995), 3.

¹⁹ Keck and Sikkink, *Activists Beyond Borders*, 1.

their formation” can be called *advocacy networks*.²⁰ Whether these networks are operating domestically or transnationally largely depend on the issues and objects that are the focus of their advocacy.

An advocacy network includes actors working on an issue “who are bound together by shared values, a common discourse, and a dense exchange of information and services.”²¹ As “networks are most prevalent in issue areas characterized by high value content and informational uncertainty,”²² human trafficking is an issue area that has provided opportunities for networking within and across borders. Keck and Sikkink (1998) argue that the goals of transnational advocacy networks (TANs) are to change the behavior of states and international organizations,²³ and it is argued here, other nonstate actors. TANs, as “simultaneously principled and strategic actors ‘frame’ issues to make them comprehensible to target audiences, to attract attention and encourage action.”²⁴ The media, academics, governments, and a variety of domestic and international nonstate actors have developed “common frames of meaning”²⁵ in order to be able to organize better their advocacy efforts as well as to reach across cultural and geographic divides. In addition, “network actors bring new

²⁰ Ibid.

²¹ Margaret E. Keck and Kathryn Sikkink, *Transnational Advocacy Networks in International and Regional Politics* (Paris: UNESCO, 1999), 89.

²² Ibid.

²³ Keck and Sikkink, *Activists Beyond Borders*, 2.

²⁴ Ibid., 2-3.

²⁵ See Jurgen Gerhards and Dieter Rucht, “Mesomobilization: Organizing and Framing in Two Protest Campaigns in West Germany,” *American Journal of Sociology* 98, no. 3 (November 1992): 558-59.

ideas, norms, and discourses into policy debates”²⁶ where they hope their issue will be placed on a political agenda.

Framing Human Trafficking

Domestic and transnational advocacy networks have framed human trafficking in such a way that the issue rose to an important place on several political agendas – the U.S. and Thai governments, the United Nations, and numerous domestic and international organizations. The efforts to frame human trafficking in multiple ways by diverse political actors have produced both unparalleled levels of cooperation as well as highly contentious debates over the last decade.

The various ways that trafficking has been framed reflects the different phenomena that have come to be known as “human trafficking” and “trafficking in persons.” In fact, the term “human trafficking” has become an umbrella term to include a wide range of socio-economic phenomena including: sex tourism; child sex tourism; commercial sexual exploitation of children (CSEC); exploitation in domestic, restaurant, agricultural, factory, and sweatshop work; debt bondage; forced prostitution; forced begging; and servile marriage through the “mail order” bride industry.

The type of language and rhetoric used by people is a key element to garnering political support to address the issue. An integral part of framing is stereotyping and sensationalizing. The popular stereotype in Southeast Asia,

²⁶ Keck and Sikkink, *Activists Beyond Borders*, 3.

especially in the Mekong Sub-region, for example, is a “twelve year old girl being sold into sex slavery by unscrupulous parents.” This feeds a discourse that defines trafficking as something perpetrated by bad people, with a logical inference that if enough of them are arrested, this will have a significant impact on the problem.²⁷ Trafficking has often reflected and reinforced stereotypes of “developing” world women as passive, helpless victims in need of rescue. This discourse ignores the reality of the difficult choices that people make about migration and work.²⁸ Another tool used by some to keep interest high is the repetition of the claim by organizations that trafficking is increasing at alarming rates. This assertion maintains an urgency that precludes objective analysis.

Human trafficking has been framed primarily in four different ways: trafficking as prostitution; trafficking as exploitive labor migration; trafficking as modern day slavery; and trafficking as a human rights versus a law enforcement concern.

The most vehement debate with regard to trafficking has been centered on its relationship with prostitution. The contemporary terms “human trafficking” and

²⁷ Phil Marshall, “Occasional Paper No. 1, Globalization, Migration and Trafficking: Some Thoughts from the Southeast Asian Region” (Paper to the Globalization Workshop in Kuala Lumpur 8-10 May 2001. UNIAP (September 2001): 10. Available at: http://www.un.or.th/TraffickingProject/globalisation_paper.pdf (accessed December 5, 2006).

²⁸ What is interesting is that these approaches to the issue strongly reflect approaches to the issue in the 19th Century when European migrant sex workers were thought to be victims of a sensational “white slave trade” involving young, “innocent” white girls from the United States and Europe and being forced into prostitution in other countries. Fiona David, “New Threats or Old Stereotypes: The Revival of Trafficking as Discourse,” Paper presented at the History of Crime, Policing and Punishment Conference convened by the Australian Institute of Criminology in conjunction with Charles Stuart University, Canberra, (December 9-10, 1999): 2, argues that now, as then, interested organizations and the media rely on what is really a “myth” about trafficking – “a simplistic explanation for a messy and complex reality.”

“trafficking in persons” are derived from the earlier phrase “traffic in women and girls” that can be traced back to the early 20th century concern of the “white slave trade” in the United States and Western Europe. The historical responses to “trafficking in girls” inform today’s responses, and, in many ways, a similar use of rhetoric to garner attention and money to combat human trafficking is being used. Because earlier efforts to combat the traffic in girls and women are tied to moralistic efforts to control migrant prostitutes, the relationship between trafficking and prostitution has become a point around which people and organizations mobilize. Under the presidential administration of George W. Bush in the United States, conservatives, radical or “abolitionist” feminists, and faith-based organizations take the position that all forms of prostitution are exploitive and thus constitute a “trafficking” or exploitive situation.²⁹ This is in stark contrast to the efforts by women’s human rights activists and other feminist groups to de-link prostitution and trafficking who argue that some adult women and men are in prostitution voluntarily and should not be considered trafficking “victims;” only those who are forced or coerced to be prostitutes should be considered trafficking victims.³⁰ All mainstream groups in the movement to combat human trafficking regardless of their position on adult prostitution agree that minors (by international law considered to be 18 years of age and under) involved in prostitution are automatically considered victims of

²⁹ The most vocal international organization that takes this position is the Coalition Against Trafficking in Women (CATW).

³⁰ International organizations that take this position are Global Rights and Global Alliance Against Traffic in Women (GAATW).

trafficking because they would be incapable of making an informed decision about the nature of the “work” of prostitution.³¹

Trafficking can also be framed as a problem of labor migration. The International Labor Organization (ILO) has taken the lead on researching and advocating for stronger government responses against labor exploitation all over the world.³² Robertson (2004) argues that it is critical that the issue of trafficking be placed in the context of migration and labor, and argues that we really cannot expect that there will be a sustainable solution to trafficking without policies and practices that protect the human rights of migrants. In fact, new research shows that the number of migrants who are trafficked is a small proportion of the total number of migrants.³³ Nongovernmental organizations in the United States, such as Free the Slaves and Break the Chain Campaign, advocate for equal attention paid to labor trafficking because an overwhelmingly greater emphasis has been placed on “sex trafficking” in the United States.³⁴

Despite the generalized, global focus on trafficking into prostitution, interviews conducted by the author in Thailand in 2006 and other research revealed that the majority of cases of trafficking in Thailand originated with voluntary

³¹ Some activists in Thailand who have been working on the issue of trafficking do admit that there are some 16 and 17 year-old girls who are aware of the choices they make to be prostitutes.

³² In 2006 and 2007, the ILO published several reports about the problem of labor exploitation in the Mekong Sub-region.

³³ Phil Robertson, “Screening for Trafficking Victims,” presentation at Chiang Mai, Thailand, October 1, 2004, 3.

³⁴ See Free the Slaves and Human Rights Center, University of California, Berkeley, *Hidden Slaves: Forced Labor in the United States* (Washington, D.C. and Berkeley, California: September 2004).

(irregular) migration across the Thai border, and ended in a situation of severe exploitation. The exploitation includes debt bondage, low or no wages, excessive working hours, unsafe conditions, and little or no freedom of movement. Industries characterized by a high proportion of irregular migrants include factory work, fisheries and domestic labor. The degree of exploitation varies and it may often not even be seen as such by the “victims” who may see themselves as being better off than if they had stayed at home. There is an unmet demand for cheap labor in Thailand and this has important implications for policy.³⁵

If the prostitution frame is contentious, the modern-day slavery frame is ubiquitous. As mentioned above, in the early 1990s, ECTWT in Thailand published a report about “modern-day slavery” in Southeast Asia in the context of child sex tourism. However, the term did not catch on in the West until U.S. officials began using it in the early 2000s. In the United States Trafficking Victims Protection Act (TVPA) of 2000, trafficking is referred to as modern-day slavery. The U.S. Department of State uses the term modern-day slavery interchangeably with trafficking, stripping most nuances from the definition. Americans respond very strongly to the term “slavery.” The mainstream American media often uses the term “sex slavery,” never offering much explanation about what it is, never distinguishing it from voluntary prostitution, and leaving viewers to their imagination.³⁶

³⁵ Phil Robertson and U.S. government official in Bangkok, interviews with author, May – June 2006; Phil Marshall, “Occasional Paper No. 1, Globalization, Migration and Trafficking,” 10.; See Allan Beesey, *From Myanmar to Thailand and Home Again: Return and Reintegration of Female Migrant Workers* (Geneva: International Organization of Migration, 2004). Unpublished manuscript on file with author.

³⁶ Anderson Cooper of CNN reported in March 2007 about “sex slavery” in Bangkok, presenting a sensationalized view of the visible sex industry in that city.

Language is important in the framing of human trafficking. For example, the former director of the Office to Monitor and Combat Trafficking in Persons (otherwise known as the TIP Office) in the U.S. Department of State issued a memo before he left his post in late 2006 directing the TIP Office and advising all U.S. government agencies issuing anti-trafficking in persons contracts “to encourage grantees and contractors to avoid use of the terms “sex worker” and “child sex worker.” He claimed that “to abolish modern-day slavery, we must not be afraid to call slavery by its real, despicable name.”³⁷

During the negotiations for the UN Protocol, the framing of trafficking as a human rights issue versus a law enforcement concern was an underlying theme. The negotiations for a protocol for trafficking in persons took place within the context of a transnational crime convention because governments were considering trafficking an issue that needed to be addressed with law enforcement tools. NGOs and international organizations were invited to be part of the negotiation process and they insisted on including human rights language that would not dismiss the fact that victims of trafficking should be provided protections under national laws, as well as not be considered criminals, regardless of the way that they entered a country or the type of work that they were doing. Although not a human rights instrument, the UN Protocol reluctantly embraced aspects of the human rights perspective.³⁸ To the extent that the

³⁷ John Miller, *A Statement on Human Trafficking-Related Language* (Washington, DC: Office to Monitor and Combat Trafficking In Persons, December 15, 2006). <http://www.state.gov/g/tip/rls/rm/78383.htm> (accessed April 15, 2007).

³⁸ See Anne Gallagher, “Human Rights and the New UN Protocols on Trafficking and Migrant Smuggling: A Preliminary Analysis,” *Human Rights Quarterly* 23 (2001): 975-1004.; See Ann D. Jordan, *The Annotated Guide to the Complete UN Trafficking Protocol*

UN Protocol requires governments to “provide assistance and protection to trafficked persons... is mostly couched in aspirational terms rather than as a matter of hard obligation.”³⁹

Setting Political Agendas

A particularly remarkable aspect of the activities of the anti-trafficking transnational advocacy networks is marked by a competition among various actors for dominant trafficking frames. The competition has played a dramatic role in how the frames have influenced policy and agenda-setting in the United States and in Thailand. The various ways that advocacy networks⁴⁰ frame trafficking, either as a prostitution problem, a question of slavery, forced labor, or a law enforcement concern, have implications for how the U.S. and Thai governments have interpreted internationally-accepted norms to combat human trafficking. The frame of prostitution has emerged as a dominant frame in the contemporary efforts to combat human trafficking, but this frame has historical precedence in previous iterations of global activism.

(Washington, DC: International Human Rights Law Group, May 2002). (Updated August 2002); See Elaine Pearson, *Human Traffic, Human Rights: Redefining Victim Protection* (London: Anti-Slavery International, 2002).

³⁹ Janie Chuang, “The United States as Global Sheriff: Using Unilateral Sanctions to Combat Trafficking,” *Michigan Journal of International Law* 27 (2006), 448.

⁴⁰ Although “advocacy networks” is a term that is commonly used in the context of International Relations theory, other terms such as “policy sub-systems,” “policy communities,” “policy networks/ issue networks/ advocacy coalitions” are also used within public policy theories. The differences among them and the relevance to this dissertation will be discussed in Chapter 2.

Since the mid- 1990s, two advocacy networks have formed domestically and globally on the issue of prostitution that was very closely connected to the trafficking debate. One side of the debate was represented by feminist human rights advocates who were trying to protect and legitimate sex work as well as de-link migrant prostitution from trafficking. The other side of the debate opposed all forms of prostitution and was represented by a powerful alliance of organizations and individuals from both the feminist abolitionists and the conservative, religious right, particularly in the United States. Ultimately, the politics between this unusual alliance of feminists and conservatives played a very important role not only getting this issue onto the agenda but keeping it there.

As an extension of the role that TANs have played in competing for a dominant anti-trafficking frame, advocacy networks have also played an integral role in setting the agenda in multiple spaces. The operation of domestic and transnational advocacy networks in Thailand and the United States over the course of several years has facilitated the implementation of internationally-accepted norms as domestic norms in Thailand, and to a lesser extent in the United States, in order to bring about multi-faceted responses to a complex transnational problem.

Global Anti-Trafficking Context

The issue of trafficking was codified in international law several times in the first half of the 20th century; however, the traffic in women and children for exploitation in prostitution was the primary focus, generally excluding men and

forced labor. The contemporary global movement to combat trafficking benefited from precursor movements and the development of certain norms to push the notion that women's rights are human rights. In 1980, the United Nations held the second, international women's conference in Copenhagen, Denmark, and the third conference in Nairobi, Kenya was held in 1985. There were several key developments that came out of these conferences. First, the state's attention was turned to the "legal status of women and the family practices that reproduced structures of gender inequality." Second, the "global character of women's inequality" was internationally recognized. Third, several important women's human rights NGOs were formed.⁴¹ Beginning in the late 1980s, many women's rights organizations "recognized the potential of framing women's rights as human rights."⁴² Women's networks formed in the context of the UN conferences over the course of two decades, though the networks were not actually created at the conferences; the conferences "legitimized the issues and brought together unprecedented numbers of women from around the world."⁴³

The 1993 Vienna World Conference on Human Rights helped solidify the idea that "women's rights are human rights."⁴⁴ At the Vienna conference, *violence against women* became a key issue among activists from all over the world.

According to Keck and Sikkink (1998), the issue of violence against women "arrived

⁴¹ Karen Brown Thompson, "Women's Rights are Human Rights," in *Restructuring World Politics*, ed. S. Khagram et al. (Minneapolis: University of Minnesota Press, 2002), 99-100.

⁴² Brown Thompson, "Women's Rights are Human Rights," 102.

⁴³ Keck and Sikkink, *Activists Beyond Borders*, 169.

⁴⁴ Brown Thompson, "Women's Rights are Human Rights," 107.

late and dramatically in the international women's movement."⁴⁵ The matter differed from the more classic problems of suffrage, equality, and discrimination around which Western women had long mobilized. These "Western" problems did not resonate with women from developing countries who suffered from corrupt governments and Western economic policies that increased poverty, underdevelopment, and the commoditization of women.⁴⁶

The networks built around violence against women could draw upon pre-existing communication networks. The emergence of violence against women as a topic around which groups could advocate "shows how two previously separate transnational networks around human rights and women's rights began to converge and mutually transform each other."⁴⁷ Women's groups in developing countries pressed the issue of violence against women most forcefully, and, fortuitously, they found support among groups working on similar women's issues in the West.⁴⁸

Violence against women emerged as a "common advocacy position" around which women's organizations could agree and collaborate.⁴⁹ Keck and Sikkink (1998) argue that violence against women was a category that

served some key strategic purpose for activists trying to build a transnational campaign because it allowed them to attract allies and bridge cultural differences.

This strategic focus forced transnational activists to search for a basic common

⁴⁵ Keck and Sikkink, *Activists Beyond Borders*, 166.

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Brown Thompson, "Women's Rights are Human Rights."

⁴⁹ Keck and Sikkink, *Activists Beyond Borders*, 166.

denominator – the belief in the importance of the protection of bodily integrity of women and girls.⁵⁰

Women's groups re-focused the human rights activism from campaigning around state perpetrated violence in the public sphere to male-perpetrated violence against women in the "private" sphere. This was a "major conceptual innovation" of the global women's movement and it allowed separate campaigns to develop on specific practices of violence against women in a domestic context: "rape and domestic battery in the United States and Europe, female genital mutilation in Africa, female sexual slavery in Europe and Asia, dowry death in India, and torture and rape of political prisoners in Latin America."⁵¹

European NGOs had been involved in addressing forced prostitution of Asians in Europe in the 1980s and early 1990s, and when the Soviet Union crumbled, the problem of Eastern European women involved in (forced) prostitution in Western Europe came to these NGOs' attention. However, the broader international community was relatively quiet on the issue of trafficking until the mid-1990s.

The 1995 Fourth World Conference on Women in Beijing, China solidified the "violence against women" movement. The Platform for Action adopted by the Fourth World Conference on Women in 1995 in Beijing called for action to

strengthen the implementation of all relevant human rights instruments in order to combat and eliminate, including through international cooperation, organized and

⁵⁰ Ibid., 172.

⁵¹ Ibid., 171-173.

other forms of trafficking in women and children, including trafficking for the purposes of sexual exploitation, pornography, prostitution and sex tourism.⁵²

Then First Lady Hillary Clinton gave a stirring speech about women's rights as human rights and while listing many human right abuses women face, she mentioned women being forced into prostitution. Beijing provided a wider view of trafficking that included forced marriages and forced labor.⁵³ Governments became implicitly responsible for not ignoring women in the "private" sphere. The issue of "trafficking in persons, especially of women and children" remained in the background until the campaign on violence against women solidified, and then rode the wave of the international women's movement into the mid-1990s.

In 2000, human trafficking⁵⁴ was codified in the UN Protocol,⁵⁵ supplementing the United Nations Convention against Transnational Organized Crime. Although the UN Protocol negotiations in Vienna, Austria (known as the Vienna Process) were extremely contentious, it was the first time that the

⁵² Lin Lean Lim, "The Economic and Social Bases of Prostitution in Southeast Asia," in *The Sex Sector*, ed. Lin Lean Lim (Geneva: International Labour Office, 1998), 15.

⁵³ UNIFEM Bangkok, Gender Issue Fact Sheet No. 2, Trafficking in Women and Children. www.unifem.undp.org/eseasia/Gendiss/Gendiss2.htm. (accessed May 18, 1998).

⁵⁴ Throughout this dissertation, the phrase "human trafficking" or "human trafficking and related issues" will be used to describe a range of issues encompassed under the umbrella term human trafficking.

⁵⁵ Even though the UN Protocol includes men, women, and children, the focus of the negotiations and discussions were primarily on women and children because it was believed that they represented the majority of individuals who were trafficked, thus the inclusion in the title, *especially women and children*.

international community agreed upon a comprehensive definition of human trafficking. According to the UN Protocol, trafficking in persons covers:

...recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.⁵⁶

The UN Protocol redefined the international norms on trafficking in the sense that it allowed for the possibility that people could be trafficked for purposes other than exploitation in prostitution, and additionally, it established “new standards with respect to protecting the rights of trafficked persons.”⁵⁷

The international definition of trafficking does not describe a single act leading to one specific outcome, but rather refers to a process (recruitment, transportation and control) that can be organized in many ways and involve different actors and outcomes. The elements identified in the UN Protocol definition of trafficking present definitional problems. For example, there is no international consensus regarding the definition of “sexual exploitation,” or even “exploitation,”

⁵⁶ United Nations Convention against Transnational Organized Crime, U.N. Doc. A/RES/55/25 (2000).

⁵⁷ Elaine Pearson, *Human Traffic, Human Rights: Redefining Victim Protection* (London: Anti-Slavery International, 2002), 16.

and abuses that come under the umbrella of trafficking can vary in severity, generating a “continuum of experience” rather than a simple black and white distinction.⁵⁸

Vienna Process

There has been a fair amount written about the process by which the international community negotiated the UN Protocol. It is well-known among activists, advocates and scholars that the Vienna Process was highly contentious because of deep-seated disagreements about the nature of prostitution and whether prostitution can ever be voluntary. Although the UN Protocol was a governmental instrument, international NGOs and other international organizations played an extraordinarily instrumental role in setting the agenda for the debate during the 1999 and 2000 negotiations. In addition, the United States played a particularly crucial role in the development of the norms delineated in the Protocol for two reasons: first, the United States had already drafted a definition of trafficking domestically; second, the majority of NGOs that were present in Vienna for the negotiations hailed from the United States, such as International Human Rights Law Group and Coalition Against Trafficking in Women (CATW). It is significant to note that the United States introduced the first draft of the trafficking protocol in January 1999.⁵⁹

The Vienna Process was marked by two significant debates:

⁵⁸ Bridget Anderson and Julia O’Connell Davidson, *Trafficking—A Demand Led Problem?* (Washington DC: Save the Children, 2002), 12; See also Julia O’Connell Davidson, “Will the Real Sex Slave Please Stand Up?” *Feminist Review* No. 83, Vol. 1 (August 2006): 4-22.

⁵⁹ Chuang, “The United States as Global Sheriff,” 442.

whether the definition of trafficking should encompass “voluntary” prostitution, and whether trafficking should be approached primarily as a crime and border control issue or as a matter of states’ obligations under international law to safeguard trafficked persons’ human rights.⁶⁰

The unresolved issues about the relationship between trafficking and prostitution that had been percolating since the late 1970s finally came to a head in Vienna. The UN Protocol reflects a “fragile international consensus, born from hard-wrought compromise on complex and highly contested issues over legal definitions and frameworks for addressing this transnational problem.”⁶¹

During the Vienna Process, one group of states⁶² adopted the abolitionist perspective and viewed any distinction between forced and voluntary prostitution as morally unacceptable. They opposed any definition of trafficking that would include a coercion requirement and argued that the definition should encompass all migration for sex work. Another group of states,⁶³ supported by United Nations High Commissioner for Refugees (UNHCR), took the position that including non-coerced

⁶⁰ Ibid., 442-443.

⁶¹ Ibid., 438.

⁶² The states included Argentina, Mexico, Venezuela, Columbia, China, Egypt, the United Arab Emirates, Syria, Algeria, Bangladesh, Pakistan, India, and Burkina- Faso. The Coalition Against Trafficking in Women (2003) reports that “from the beginning of the Vienna process, many delegations supported an inclusive and principled definition of trafficking and argued for all victims to be protected, among them, Belgium, the Philippines, the Holy See, Cuba, France, Norway, Finland, Morocco, Togo, and Madagascar. Sweden, in the final session, offered a definition of trafficking that helped effect consensus.”

⁶³ The states included Holland, Germany, Denmark, Switzerland, Ireland, Australia, New Zealand, Japan, Thailand, Spain, Canada, the U.K. and the United States.

migration for sex work would make the trafficking definition overbroad and divert scarce resources away from the real problem.”⁶⁴

The UN Protocol departed from its sister conventions earlier in the 20th century by adding elements of force or coercion as “an essential element of trafficking in the definition. This is a significant departure from the abolitionist stance of the 1949 Convention, and leaves states free to recognise sex work as labour and regulate it according to labour standards.”⁶⁵ Whereas the Protocol makes an “implicit distinction between “coerced” and “non-coerced” migration for prostitution,” it does not offer many concrete human rights protections for trafficking victims.⁶⁶ Discussing these debates is very important because they “underscore the complexity and divisiveness of the issue of trafficking.”⁶⁷ Continued controversy over these issues still “impedes collaborative efforts among governments and anti-trafficking advocates to effectuate a coordinated legal response.”⁶⁸

Initially, the U.S. government led the charge to exclude non-coerced sex work from the trafficking definition in the Vienna Process. Intense pressure from U.S.-based NGOs tried to get the U.S. government to change its position; however, the U.S. government delegation ultimately held its position on the issue. Chuang 2006 writes:

⁶⁴ Chuang, “The United States as Global Sheriff,” 444.

⁶⁵ Jo Doezeema, “Who Gets to Choose? Coercion, Consent, and the UN Trafficking Protocol,” *Gender and Development* Vol. 10, no. 1 (March 2002): 24.

⁶⁶ Ibid.

⁶⁷ Chuang, “The United States as Global Sheriff,” 443.

⁶⁸ Ibid.

As Anne Gallagher notes, the U.S. position in Vienna quickly drew fire on U.S. soil from abolitionist feminists, as well as conservative and religious groups, who used the prostitution issue against the Clinton administration in election year political battles. These groups targeted as “pro-prostitution” First Lady Hilary Clinton, the titular head of the President’s [InterAgency] Council on Women, which oversaw the Administration’s domestic and international anti-trafficking policy.⁶⁹

Although the UN Protocol does recognize the need to respect the human rights of trafficked persons, it is conspicuously not a human rights document. States insisted that they must be able to enact measures to protect themselves against transnational organized crime, specifically the elements of organized crime that smuggle people across borders and/or exploit their labor after the movement across the border. The implicit purpose of the Protocol was to provide a mechanism for states to criminalize trafficking, and as a result, prosecute traffickers. However, the norms to *prevent* trafficking, *protect* victims of trafficking, and *prosecute* traffickers (otherwise known as the 3Ps) were introduced two years earlier in 1998 in an Executive Order issued by President Bill Clinton in the United States.

With regard to prostitution and trafficking, the Protocol provided the following guidance: The idea of making consent “irrelevant” serves to prevent traffickers from using consent as a defense to the crime.⁷⁰ Equally important, states

⁶⁹ Ibid., fn 24.

⁷⁰ Anne Gallagher, “Human Rights and the New UN Protocols on Trafficking and Migrant Smuggling: A Preliminary Analysis. *Human Rights Quarterly* 23 (2001): 985.

intentionally left “exploitation of prostitution of others” and “other forms of sexual exploitation” undefined, opting for states to decide how to legislate prostitution.⁷¹

Significantly, the same year that the UN Protocol was signed in Palermo, Italy, the United States developed and passed its own Trafficking Victims Protection Act. The U.S. law is significant for two reasons. First, it was at the time and continues to be the most progressive, domestic anti-trafficking statute in the world. Second, the law was written in such a way that it could be used as a foreign policy tool for the United States to export its own anti-trafficking norms to other countries.⁷² The TVPA defines “severe forms” of trafficking as:

a) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or b) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery; c) if the person is under 18 years of age, any commercial sex act, whether or not force, fraud or coercion is involved.⁷³

The significant source of tension for those governments and organizations negotiating the UN Protocol in Vienna, and the organizations and members of the United States Congress negotiating the TVPA in Washington, DC was the extent to

⁷¹ Interpretative Notes for the Official Records (Travaux Préparatoires) of the Negotiation of the United Nations Convention Against Transnational Organized Crime and the Protocols (2000).

⁷² Janie Chuang, “The United States as Global Sheriff.”

⁷³ *Trafficking Victims Protection Act of 2000, U.S. Code 22 (2000), § 7101.*

which “migrant prostitution” was considered “trafficking.” Many feminist and conservative groups joined forces in Vienna in hopes of resolving a century-old debate about whether trafficking constituted all forms of adult migrant prostitution – voluntary and involuntary. The debate between the prostitution “abolitionists” (groups included feminist abolitionists and traditional conservatives) and the liberal human rights groups was incredibly contentious. These debates manifested themselves during the TVPA negotiations as well – a debate that continues until today.

The distinction between “sex trafficking” and “severe forms of sex trafficking” is significant in the American legal context. The TVPA includes separate definitions of both. Sex trafficking is “the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.”⁷⁴ This definition excludes a requirement of “coercion” contained in the UN Protocol definition and thus would encompass consensual prostitution. While the TVPA defines sex trafficking, it limits the operational application to “severe forms of trafficking in persons—i.e., trafficking involving force, fraud, or coercion in the inducement of a commercial sex act or other end purpose of the trafficking.”⁷⁵

⁷⁴ Ibid.

⁷⁵ Chuang, “The United States as Global Sheriff,” 450.

Human Trafficking in Thailand and the United States

Thailand is a source, transit, and destination country for men, women, and children trafficked for the purposes of sexual exploitation and forced labor. It is estimated that thousands of Thai women are trafficked to numerous countries in Asia, Africa, North America and the Middle East for sexual exploitation.⁷⁶ Thai men have been trafficked to North America and the Middle East for agricultural work and construction work. Thailand is also a source country for men from neighboring countries trafficked for forced labor in the construction and agricultural sectors, and the fishing industry, while women and girls are trafficked for factory, domestic work and the sex trade. The majority of trafficking victims into Thailand are economic migrants who are subjected to conditions of forced or bonded labor and commercial sexual exploitation.⁷⁷

The United States, as a very large, multi-ethnic country of immigrants, has a long and unfortunate history of being a country of destination for people who are trafficked for forced labor and forced sexual exploitation. The trafficking of certain ethnic groups to the United States parallels the legal and illegal migratory patterns over the last three decades.⁷⁸ Although there is scant research and quantitative data on the numbers of people who have been trafficked, and who are currently being

⁷⁶ Thailand Country report in the United States Department of State, *2006 Trafficking in Persons Report* (Washington, DC, 2006). Available at: <http://www.state.gov/g/tip/rls/tiprpt/2006/> (accessed April 1, 2007) characterizes the number of women trafficked out of Thailand to be “significant” though no one is certain of the exact number.

⁷⁷ Thailand Country Report, 243.

⁷⁸ Individuals are from countries representing later waves of migration to the United States, including Africa, Latin America, and Eastern Europe/ former Soviet Union.

exploited in the United States,⁷⁹ many suspect that there are tens of thousands, perhaps more, of people who are currently being severely exploited in the United States, in both labor and prostitution.⁸⁰ The majority of migrants who are trafficked come from poorer countries in which patterns of migration to the United States are relatively recent.⁸¹

Nonstate actors in the United States and Thailand play important roles in the overall global efforts to combat human trafficking. The U.S. government and U.S.-based nonstate actors are global leaders on advancing and monitoring the implementation of norms to combat trafficking. Thai nonstate actors and the Thai government have been experiencing, and dealing with, trafficking as a serious domestic issue for longer than the United States. Thai nonstate actors have taken the

⁷⁹ See Kevin Bales and Steven Lize, *Trafficking in Persons in the United States* (Washington, DC: National Institute of Justice, March 2005). Available at: <http://www.ncjrs.gov/pdffiles1/nij/grants/211980.pdf>; Elzbieta M. Godziak and Elizabeth A. Collett, "Research on Human Trafficking in North America: A Review of Literature," *International Migration* 43 (1/2) (2005): 99-128; Heather J. Clawson, Mary Layne, and Kevonne Small, *Estimating Human Trafficking into the United States: Development of a Methodology* (Washington, DC: Caliber, December 2006); Guri Tyldum and Anette Brunovskis, *Crossing Borders: An Empirical Study of Transnational Prostitution and Trafficking in Human Beings* (Oslo: Fafo, 2004); Frank Laczko, "Introduction: Data and Research on Human Trafficking," *International Migration* 43 (1/2) (2005): 5-16.

⁸⁰ Amy O'Neill Richard, *International Trafficking in Women to the United States: A Contemporary Manifestation of Slavery and Organized Crime* (Washington, DC: DCI Exceptional Intelligence Analyst Program, November 1999); Francis T. Miko and Grace Park, *Trafficking in Women and Children: The U.S. and International Response* (Washington, DC, Library of Congress: Congressional Research Service, March 2004); United States Department of State, *Trafficking in Persons Report 2005* (Washington, DC, 2005). Available at: <http://www.state.gov/g/tip/rls/tiprpt/2005/> (accessed April 1, 2007); United States Department of State, *Trafficking in Persons Report 2006* (Washington, DC, 2006). Available at: <http://www.state.gov/g/tip/rls/tiprpt/2006/> (accessed April 1, 2007).

⁸¹ In 2006, the U.S. government and U.S.-based NGOs provided services to trafficked individuals from 24 different countries. Three countries from where the majority of trafficking victims came were Mexico, El Salvador, and South Korea. Other countries include: Philippines, Brazil, Morocco, Honduras, Eritrea, Thailand, Indonesia, Egypt, South Africa, China, Peru, and Russia.

lead transnationally to address this issue, and Thailand has emerged as an important player in Southeast Asian regional politics on combating human trafficking.

Domestic and Transnational Advocacy Networks in Thailand and the United States

The typology of an “expansive” transnational advocacy network as defined by Khagram, Riker, and Sikkink (2002) that includes all relevant actors working to influence social change on an issue is the most appropriate category for this research. This more inclusive definition would mean that although nongovernmental organizations are the primary actors of transnational collective action, parts of states and intergovernmental organizations, as well as other nonstate actors such as foundations, research institutes, epistemic communities, corporations, domestic interest groups, and social movements could also be included.⁸²

A variety of actors interacting in the context of domestic and transnational advocacy networks is discussed in this research. These actors can be grouped into three categories: 1) nonstate actors that include NGOs and INGOs (in Thailand and the U.S.); 2) government ministries and departments (in Thailand and the U.S.); and 3) inter-governmental organizations (in Thailand). These actors have engaged in anti-trafficking activities generally in five spaces: 1) local; 2) national; 3) international/global; 4) transnational; and 5) regional. While the aforementioned spaces may seem self-explanatory, the definitions of international, global and

⁸² Sanjeev Khagram, James V. Riker, and Kathryn Sikkink, “From Santiago to Seattle: Transnational Advocacy Groups Restructuring World Politics,” in Sanjeev Khagram, James V. Riker, and Kathryn Sikkink eds. *Restructuring World Politics*. (Minneapolis: University of Minnesota Press, 2002a), 9.

transnational are somewhat contested. Khagram, Riker and Sikkink (2002) define spaces as they are connected to the organizations within the network. For example, international nongovernmental organizations (INGOs) “have a decision making structure with voting members from at least three countries.”⁸³ Transnational advocacy networks are comprised of actors in *more than three* countries.⁸⁴ In this dissertation, while the types of organizations and networks are defined similarly, the “spaces” are conceived differently. The “international” or “global” space is conceived as the UN level – when countries were negotiating the UN Protocol in Vienna, for example. The concept “transnational” is viewed as the space “in between” countries: in other words, the communication among nonstate actors in a network through visiting each other’s countries, meeting at conferences, and corresponding through the Internet. The primary difference between the Khagram, Riker and Sikkink approach and the one presented here is that Khagram, Riker and Sikkink focus on the state as the starting point, and this research focuses on the nature of interactions in the “space” as the starting point.

In **Figure 1.1**, a matrix is presented that highlights the main activities of the actors engaged in five spaces.

⁸³ Khagram, Riker, and Sikkink, “From Santiago to Seattle: Transnational Advocacy Groups Restructuring World Politics,” 6.

⁸⁴ Ibid.

Figure 1.1 Spaces of Anti-Trafficking Activism

	Thailand	United States
<i>Local</i>	<ul style="list-style-type: none"> - NGOs provide services to victims of trafficking - NGOs advocate to Thai government for comprehensive policy on human trafficking - NGOs networking with other Thai NGOs and U.S.-based INGOs 	<ul style="list-style-type: none"> - NGOs provide services to victims of trafficking - NGOs network with one another and advocate for comprehensive policy on human trafficking - 42 government-funded Taskforces organized at the metropolitan or county level
<i>National</i>	<ul style="list-style-type: none"> - National level conferences held in Bangkok and Chiang Mai organized by government and NGOs - Thai-only national NGO network called Samplan - Memoranda of Understanding (MOUs) within Thailand at provincial and national levels 	<ul style="list-style-type: none"> - National level conferences organized by government and NGOs - Domestic national NGO network called the Freedom Network - 42 government-funded Taskforces throughout the country
<i>International/ Global</i>	<ul style="list-style-type: none"> - Thai government (Thai “bridging elites”) sends delegates to Vienna Process for UN Protocol negotiations - Thai-based nonstate actors such as GAATW participate in Vienna Process 	<ul style="list-style-type: none"> - U.S. government major contributor to Vienna Process for UN Protocol negotiations - U.S.-based nonstate actors such as CATW participate in Vienna Process
<i>Transnational</i>	<ul style="list-style-type: none"> - NGOs reach out to international NGOs and IOs several times since 1980s to advocate for the behavior change of other governments and NGOs 	<ul style="list-style-type: none"> - U.S.-based nonstate actors receive funding from U.S. government to implement anti-trafficking projects in various countries.
<i>Regional</i>	<ul style="list-style-type: none"> - Thai government one of six participants in Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) regional process 	<ul style="list-style-type: none"> - U.S. not involved in organized regional initiative against trafficking

Findings and Arguments

Based on in-depth field interviews, participant observation, and process tracing, this research presents these findings:

1) Between the early 1980s and 2000, Asian, particularly Thai, nonstate actors mobilized transnationally on issues related to sexual exploitation of women and children and were instrumental in spearheading several significant transnational advocacy networks and campaigns in which they reached out to Western actors to advocate for behavior change of Westerners and Western governments.

2) Despite the assumptions made in International Relations theory about poor relations between state and nonstate actors in developing countries, Thai nonstate actors have developed good relations with the Thai government on the issue of human trafficking. Thai-based transnational advocacy has been very patient with the weaknesses of the Thai government, and nonstate actors have chosen to maintain cooperative instead of combative relations with the government in the interest of successful efforts to address trafficking.

3) Thailand has become a major regional hub for international organizations working on human trafficking. The presence of international organizations has affected the relationship between nonstate and state actors in Thailand.

4) One of the main reasons why human trafficking was put on the institutional agenda, and stayed on the agenda, in the United States is because of an unusual alliance that developed between the religious right conservatives and one faction of feminists called abolitionist feminists. This alliance, countered by human rights

feminists, clashed on the definition of trafficking and the relationship between prostitution and trafficking.

5) Thai nonstate actors have responded with savvy to the U.S. style of agenda-setting, i.e. they shrewdly navigate a political environment in Thailand where U.S.-based state and nonstate actors (as well as other international actors) are pushing for a particular framing of the human trafficking issue. Thai nonstate actors have leveraged the hegemonic response of the U.S. government to improve the Thai government response to the issue of trafficking, as well as acquire additional resources for themselves from other donors.

6) A unique mixture of consensus and contention among historically political enemies in the U.S. both strengthened and weakened the U.S.'s ability to influence framing, agenda-setting and policy making in Thailand. Whereas the U.S. government is a powerful actor in Thailand, it is not the only international actor and therefore its relative ability to influence the agenda has become somewhat diluted.

7) Strong civil society/ government/ international collaboration is enormously effective in combating a difficult transnational problem of human trafficking in Thailand, and has provided the foundation for Thai nonstate actors to maintain their own agenda.

A four-fold argument is offered:

1) The emergence and operation of domestic and transnational advocacy networks have been instrumental in framing human trafficking in such a way to get the issue onto the national political agendas and sustain it on the agenda in Thailand and the

United States. The primary drivers of the TANs are nonstate actors, and they have played key roles in spotlighting this issue, networking with one another, and interacting with governments in creative ways to address human trafficking.

2) The simultaneous mobilization and collaboration of politically diverse organizations has been instrumental in bringing this issue from the sidelines of the international women's movement to front and center for a variety of human rights, feminist, conservative and religious organizations in the United States and Thailand over the last decade. However, the efforts to frame the issue and set the political agenda were strikingly different in each country.

3) The triumvirate of international (nongovernmental and governmental) organizations, domestic nongovernmental organizations, and governments can play both positive and negative roles in facilitating the relationship between domestic NGOs and their governments on particular transnational social issues in Thailand.

4) Thai NGOs have used the involvement of international actors (some governmental, some nongovernmental) in Thailand to leverage the support of their own government to address human trafficking as domestic issue.

Organization of Dissertation

This dissertation consists of five additional chapters. Chapter 2 clarifies conceptual and methodological questions, and reviews the scholarship on nonstate

actors in IR and public policy theories, as well as framing and agenda-setting processes. A discussion is presented on the reasons why and how transnational advocacy networks form and are maintained. Finally, a justification of the methodologies used for this dissertation is provided.

Chapter 3 presents the first of two country case studies. Thailand has long been a dynamic country for domestic and transnational advocacy networks on human trafficking. Contrary to some academic assumptions made about the role of nonstate actors in developing countries, nonstate actors in Thailand – including domestic nongovernmental organizations and international nongovernmental organizations – are savvy actors and have developed useful relationships with their state counterparts as well as a plethora of international actors present in Thailand.

Chapter 4 presents the second country case study. U.S.-based nonstate actors and the U.S. government were late to respond to decades of transnational advocacy on human trafficking and related issues. The chapter explores the pathways taken by state and nonstate actors through the vehicle of loosely formed domestic advocacy networks to set the public policy agenda on human trafficking, and how political alliances, available resources, and the moral ideologies prompted the U.S. to export its agenda abroad.

Chapter 5 discusses the consequences for Thailand after the U.S. and other international actors put trafficking on the agenda. U.S.-based nonstate actors and the U.S. government went to Thailand to fight trafficking, but they went with many assumptions. Thai nonstate actors responded to U.S. styles of agenda-setting in

unanticipated ways. A transnational advocacy network developed to respond to U.S. styles of agenda-setting carried out by one U.S.-based nonstate actor in Thailand.

Chapter 6 discusses lessons for effective, collective action and for advancing normative institutional change through transnational advocacy networks, and its implications not only for scholarship but for the key actors in the networks.

Conclusion

This dissertation explores the mobilization of key actors in Thailand and in the U.S. to get the issue of human trafficking on the political agenda, and how domestic organizations and transnational advocacy networks have framed trafficking in such a way to *keep* it on the agenda. Understanding the politics of combating human trafficking, i.e. the political response to trafficking by nonstate and state actors domestically and internationally has been a significant motivation for this research.

This research will provide an innovative look at the emergence of domestic and transnational networks on human trafficking and related issues, particularly those that have been initiated and maintained by Thai nonstate actors. Nonstate actors are strong in the development of networks as well as in their interaction with state actors. This research will be able to comment on what we can learn about nonstate actors in transnational relations based on the experiences of Thai nonstate actors. The way Thai nongovernmental organizations interact with their government *vis à vis* the presence of a large international community in their country can provide us insight about nonstate actors operating in other countries whose governments are somewhere in between authoritarian and democratic – in other words, whose democracies have

not yet consolidated.⁸⁵ The result of this research will hopefully provoke discussions on the complex and dynamic political relations created by nonstate actors and the influence of advocacy networks on setting national and international political agendas on transnational social problems.

⁸⁵ Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation* (Baltimore, MD: The Johns Hopkins University Press, 1996).

Chapter 2: Informing Progressive Methodological Approaches for Addressing Transnational Social Issues

Introduction

Academic theories are like lenses – they help us understand what we are looking at. The question for this chapter is: how are theories going to help us understand the politics of framing and agenda-setting of the issue of human trafficking by nonstate actors? The ability to comprehend this puzzle will be facilitated by the consultation of two bodies of theoretical literature. First, IR theory, specifically constructivist and feminist IR theories, can help us understand and analyze the dynamics of international networking as well as the relationship between state and nonstate actors in the context of international human rights. International relations feminists can illuminate some of the motivations of nonstate actors with regard to the dominant frame of trafficking as a prostitution problem. Second, the theories that have emerged from the United States and Western Europe in the fields of political science and public policy can help us understand how human trafficking was put on the institutional agenda in the United States, how the policy agenda was developed and sustained, and how nonstate actors (in network with one another) engage state actors to influence agenda-setting and policymaking processes.

One of the common threads in public policy theories⁸⁶ and International Relations theories⁸⁷ is the idea that nonstate actors network with one another and state actors towards the common goal of advocating on behalf of a certain interest. Theorists have different ways of trying to understand how nonstate actors mobilize with one another with the goal of getting *their* issue paid some attention. The IR theorists call the mechanisms by which nonstate actors communicate with one another and state actors transnational advocacy networks, transnational advocacy coalitions, and transnational social movements.⁸⁸ Public policy theorists call these networks sub-governments, sub-systems, policy communities, and issue networks, just to name a few of the terms. Whatever they might be called, most agree that nonstate actors play an integral role in domestic and transnational agenda-setting and policymaking through the process of networking.

First, this chapter looks at the contributions of research on human trafficking in the social sciences. Then it reviews the main mechanisms and outcomes of mobilization and networking of nonstate actors on human trafficking through the lenses of IR and public policy theories. Finally, the methodological tools used for this dissertation are presented.

⁸⁶ Grant Jordan, "Sub-government, Policy Communities and Networks," *Journal of Theoretical Politics* 2, no. 3 (1990): 319-338, argues that "the idea of 'network' is now a commonplace in studies of policy-making."

⁸⁷ IR theorists have been slower than domestic polity and economic theorists to recognize the importance of the "network." Keck and Sikkink, *Activists Beyond Borders*, 200 suggest that "scholars of international relations...pay more attention to network forms of organization – characterized by voluntary, reciprocal, and horizontal exchanges of information and services."

⁸⁸ Khagram, Riker, and Sikkink, *Restructuring World Politics*, 7.

Trafficking Research in the Social Sciences

Western academics who research and write about human trafficking are in short supply. Many researchers may perceive that trafficking is a narrowly conceived phenomenon connected to much larger political, social, and economic processes such as globalization, migration, poverty-reduction, transnational crime, human rights, and international development. Human trafficking is nearly impossible to quantify, and if the scope of a problem is unattainable, it is difficult to analyze its boundaries. One of the challenges with researching human trafficking is that the populations relevant to the study, such as victims/survivors of trafficking and the traffickers themselves, are part of “hidden” populations.⁸⁹ Most of the Western academic research on human trafficking has been published after 2000, and it has primarily focused on Asia and Europe, with less attention paid to Central and South America, sub-Saharan Africa, and the Middle East.⁹⁰ Much of the research that has been completed has been “action-oriented,” with studies preparing for counter-trafficking interventions by organizations. These studies have often been of one country and try to look at the entire range of phenomena relevant to trafficking: prevention, rescue/escape, protection, rehabilitation, and repatriation. Most of the studies are short-term studies as there is limited funding for long-term research to investigate the causes and the best ways to prevent it.⁹¹ With a lack of in-depth academic research, the response to

⁸⁹ Frank Laczko, “Introduction: Data and Research on Human Trafficking,” *International Migration* 43 (1/2) (2005): 5.

⁹⁰ Frank Laczko, “Introduction: Data and Research on Human Trafficking,” 7. This has been changing, however, and since 2005 there has been an increase in the number of reports written about trafficking in Latin America, Africa, and the Middle East.

⁹¹ *Ibid.*, 9.

trafficking from governments and organizations has been based on politics and emotions rather than on serious evidence-based analysis.

A few academics have researched trafficking within the anthropological and psychological disciplines, exploring the effects of “trafficking,” “exploitation,” and “prostitution” on individuals and societies.⁹² A handful of political scientists have studied trafficking in the context of human smuggling, illegal migration, and transnational crime.⁹³ The issue of trafficking in the context of coerced or forced prostitution has historically been tackled by the feminist academic literature,⁹⁴ the transnational organized crime and illegal migration literature,⁹⁵ and the international

⁹² Denise Brennan, *Life after Trafficking* (forthcoming 2008); Denise Brennan, *What's Love Got To Do with It?* (Durham, NC: Duke University Press, 2004); International Organization for Migration, *The IOM Handbook on Direct Assistance for Victims of Trafficking, 2007* (Geneva: International Organization for Migration, 2007); Melissa Farley et al, *Prostitution and Trafficking in Nine countries: An Update on Violence and Posttraumatic Stress Disorder* (Binghamton, NY: Haworth Press, 2003). Available at: <http://www.prostitutionresearch.com/pdf/Prostitutionin9Countries.pdf>

⁹³ See H. Richard Friman and Peter Andreas, eds., *The Illicit Global Economy and State Power* (Boulder: Rowman & Littlefield, 1999); David Kyle and Rey Koslowski, *Global Human Smuggling: Comparative Perspectives* (Baltimore: Johns Hopkins University Press, 2001); Sally Stoecker and Louise Shelley, eds., *Human Traffic and Transnational Crime: Eurasian and American Perspectives* (Lanham, MD: Roman and Littlefield, 2004); Phil Williams, “Trafficking in Women and Children: A Market Perspective,” in *Illegal Immigration and Commercial Sex: The New Slave Trade*, ed. Phil Williams (London: Frank Cass Publishers, 1999), 145-170.

⁹⁴ Cynthia Enloe, *Bananas, Beaches and Bases: Making Feminist Sense of International Politics* (Berkeley: University of California Press, 1990); Cynthia Enloe, *The Morning After: Sexual Politics at the End of the Cold War* (Berkeley: University of California Press, 1993); Emek Uçarar, “Trafficking in Women: Alternate Migration or Modern Slave Trade,” in *Gender Politics in Global Governance*, ed. Mary K. Meyer and Elisabeth Prugl (Lanham, Maryland: Roman and Littlefield, 1999); Sheila Jeffreys, “Globalizing Sexual Exploitation: Sex Tourism and the Traffic in Women,” *Leisure Studies* 18 (1999): 179-196.

⁹⁵ Williams, “Trafficking in Women and Children”; Vaughn Shannon, “Norms Are What States Make of Them: The Political Psychology of Norm Violation,” *International Studies Quarterly* 44 (2000): 263-287; David Kyle and Rey Koslowski, *Global Human Smuggling: Comparative Perspectives* (Baltimore: Johns Hopkins University Press, 2001).

political economy literature.⁹⁶ Trafficking, labor exploitation, and prostitution have been extensively researched in the context of migration by Thai and Western academics in Thailand.⁹⁷ Sometimes, Westerners enter developing countries with assumptions and biases that can obscure objective analysis.⁹⁸

Several studies on advocacy networks of the transnational variety in environment, human rights, international education, international election monitoring, and violence against women have been published;⁹⁹ however, studies on transnational

⁹⁶ Jan Jindy Pettman, *Worlding Women* (London: Routledge, 1996a); Jan Jindy Pettman, "An International Political Economy of Sex?" in *Global Theory and Practice*, ed. Eleanore Kofman and Gillian Youngs (New York: Pinter Publishing, 1996b); Helene Pellerin, "Global Restructuring and International Migration: Consequences for the Globalization of Politics," in *Global Theory and Practice*, ed. Eleanore Kofman and Gillian Youngs (New York: Pinter Publishing, 1996), 81-96.

⁹⁷ See Kritaya Archavanitkul, "Combating the Trafficking in Children and their Exploitation in Prostitution and Other Intolerable Forms of Child Labour in Mekong Basin Countries." A Subregional Report Submitted to International Programme of the Elimination of child Labour (IPEC) International labour Organization (ILC), Bangkok, Thailand June 1998.; Kritaya Archavanitkul and Philip Guest, "Migration and the Commercial Sex Sector in Thailand." Web published by SEAMEO Secretariat. Pearson, Elaine, Sureporn Punpuing, Aree Jampaklay, Sirinan Kittisuksathit, and Aree Prohmmo. *The Mekong Challenge: Underpaid, Overworked and Overlooked: The Realities of Young Migrant Workers in Thailand* (Volume 1). Bangkok: International Labour Organization, 2006. Therese Caouette, Kritaya Archavanitkul, and Hnin Hnin Pyne. *Sexuality, Reproductive Health and Violence: Experiences of Migrants from Burma in Thailand*. Bangkok: Institute for Population and Social Research, Mahidol University, 2000.

⁹⁸ See Isabelle Gunning, "Arrogant Perception, World-Travelling and Multicultural Feminism: The Case of Female Genital Surgeries," *Columbia Human Rights Law Review* 23, no. 2 (1992): 189-248. Gunning discusses the pitfalls of Westerners studying socio-cultural "problems," especially those affecting women, in non-Western countries.

⁹⁹ See Maria Guadalupe Moog Rodrigues, *Global Environmentalism and Local Politics: Transnational Advocacy Networks in Brazil, Ecuador, and India* (Albany: State University of New York Press, 2004); See Karen Mundy and Lynn Murphy, "Transnational Advocacy, Global Civil Society? Emerging Evidence from the Field of Education" (2001). available at: http://www.swaraj.org/shikshantar/activities_transnational.html (accessed April 20, 2007); Kathrin Zippel, "Transnational Advocacy Networks and Policy Cycles in the European Union: The Case of Sexual Harassment," *Social Politics* 11, no. 1 (2004): 57-85; Ken Conca, *Governing Water: Contentious Transnational Politics and Global Institution Building*

advocacy networks for human trafficking are rare,¹⁰⁰ as are studies of trafficking and the public policy process.¹⁰¹

Cooperation and Mobilization of Nonstate Actors According to International Relations Theories

Theoretical debates in IR, until a little more than a decade ago, were dominated by neorealists and neoliberal institutionalists.¹⁰² Because of their focus on power and institutions at the state level, they were not equipped to be able to explain or help understand the increasing influence of nonstate actors in international affairs, the role of ideas and norms at the international level – especially on issues of the environment, human rights and women’s rights, and the extent to which domestic and international levels interacted with respect to norms. From this theoretical vacuum arose early constructivists who were concerned that the “content and source of state interests and the social fabric of world politics” were being ignored.¹⁰³ The issues of identity and interests found in world politics were better discussed beyond the

(Cambridge, MA: MIT Press, 2005); Sanjeev Khagram, James V. Riker, and Kathryn Sikkink, eds., *Restructuring World Politics* (Minneapolis: University of Minnesota Press, 2002a).

¹⁰⁰ Nicola Piper and Anders Uhlin, “Transnational Advocacy Networks, Female Labor Migration, and Trafficking in East and Southeast Asia: A Gendered Analysis of Opportunities and Obstacles,” *Asian and Pacific Migration Journal* 11, no 2 (2002): 171-195.

¹⁰¹ See Stolz, “Educating Policymakers and Setting the Criminal Justice Policymaking Agenda.”

¹⁰² See Waltz 1979 and Keohane 1984.

¹⁰³ Checkel 1998, 324 discussing Finnemore 1996, Katzenstein 1996, and Klotz 1995.

primary theoretical dichotomy that had defined International Relations theory for decades.

Constructivism was borne out of the fact that IR theorists needed better tools to explain the changing nature of world politics, especially as the world became more globalized and democratized, and actors other than the state became more involved in world affairs and gained influence. In addition, several global social movements such as the human rights, women's rights, and environmental protection movements have been using normative arguments to further their agendas. States were uncharacteristically cooperating with, and being influenced by, non-state actors, much to the bewilderment of neo-realists and neo-liberals. Mertus (1999) states that "constructivism provides a lens through which one can analyze the social structure of the international system."¹⁰⁴ Constructivism emphasizes that the international system is comprised of "social relationships."¹⁰⁵ The identity and interests of states are "socially constructed products of learning, knowledge, cultural practices, and ideology."¹⁰⁶

According to some constructivists,¹⁰⁷ nonstate actors mobilize within and across borders, creating a variety of new entities and phenomena, and informing a

¹⁰⁴ Julie Mertus, "Considering Non State Actors in the New Millennium: Toward Expanded Participation in Norm Generation and Norm Application," *New York University Journal of International Law and Politics* 32 (1998): 556.

¹⁰⁵ Alexander Wendt, *Social Theory of International Politics* (Cambridge: Cambridge University Press, 1999) as paraphrased in Mertus, "Considering Non State Actors," 557.

¹⁰⁶ Harold Hongju Koh, "Transnational Legal Process," *Nebraska Legal Review* 75 (1996): 202.

¹⁰⁷ Risse-Kappen, *Bringing Transnational Relations Back In.*; Keck and Sikkink, *Activists Beyond Borders.*; Khagram, Riker and Sikkink, *Restructuring World Politics.*

better understanding of the interaction between the domestic and international realms. One way these interactions can be framed is by calling them “transnational advocacy networks.” While not all constructivists study transnational advocacy networks, and not all transnational activism is theorized using a constructivist approach,¹⁰⁸ several international relations theorists use constructivism as a lens to understand transnational activism and advocacy. Keck and Sikkink (1998) hypothesize how and why organizations start networking transnationally.¹⁰⁹ Transnational advocacy networks appear most likely to emerge around those issues where the channels between domestic groups and their governments are blocked or where such channels are ineffective for resolving conflict, setting into motion the “boomerang pattern of influence.” A boomerang pattern can develop as domestic groups bypass an unresponsive state to forge transnational alliances with international organizations and other domestic nongovernmental organizations in other countries. This international networking can facilitate outside pressure on the unresponsive state through information sharing of empowered domestic groups.¹¹⁰ Furthermore, Keck and Sikkink argue that boomerang strategies are most common in campaigns where the target is a state’s domestic policies or behavior.¹¹¹

¹⁰⁸ Clifford Bob, *The Marketing of Rebellion: Insurgents, Media and International Activism* (New York: Cambridge University Press, 2005) uses a market perspective to theorize transnational activism.

¹⁰⁹ Keck and Sikkink, *Activists Beyond Borders*, 12.

¹¹⁰ Ibid.; See Cardenas, “Norm Collision,” 216-217.

¹¹¹ Keck and Sikkink, *Activists Beyond Borders*, 12.

The boomerang pattern makes a significant contribution to theorizing how and why transnational activism develops. A boomerang pattern works in the following way: NGOs in State A (assumed to be a developing country) experience blocked access to their government when they try to advocate for a change in the state's behavior or policies, usually with regard to human rights and environmental campaigns. NGOs in State A reach out to NGOs in State B (assumed to be a developed country) who then successfully engage their own government (without blocked access) in order to put pressure back on State A to change its behavior or policies. International organizations are believed to facilitate the pressure and be in direct contact with the NGOs from State B, but not from State A. When presented visually, an arc of activism and pressure are directed to State A.¹¹²

Khagram, Riker, and Sikkink (2002) go a step further to discuss transnational activism in other different forms. They identify three forms of transnational activism: transnational advocacy networks, transnational coalitions, and transnational social movements. They explain that transnational advocacy networks are the most informal configuration of non-state actors, and the most common form of transnational action. The main point of networks is to exchange information. They argue that networks do not involve sustained coordination of tactics or mobilize large numbers of people. Transnational coalitions involve greater levels of coordination transnationally than a network. The difference between a coalition and a network is that coalitions coordinate shared strategies to influence social change. The shared strategies can be called transnational campaigns, "which are the unit of analysis used when researching

¹¹² Ibid., 12-13.

and analyzing transnational collective action.”¹¹³ By contrast, transnational social movements are sets of actors with common purposes connecting across state boundaries that have the unique capacity to generate coordinated and sustained social mobilization in multiple countries to influence change. Transnational social movements are thus much rarer.¹¹⁴

According to Keck and Sikkink (1998), a transnational advocacy network includes “those relevant actors working internationally on an issue, who are bound together by shared values, a common discourse, and dense exchanges of information and services.”¹¹⁵ As they break down a transnational advocacy network into its components, they describe the *networks* as developing on issues that have “high value content” and where the information on the issue cannot always be proven. The point of the networks is to exchange information in order to gain leverage over more powerful actors, such as organizations or states. Networks are most commonly populated by activists who belong to nongovernmental organizations. Network actors promote norm implementation by placing pressure on other actors to adopt policies in line with the agenda of the network and to comply with standards that have been accepted internationally.¹¹⁶ Transnational advocacy networks can also be understood as distinct “political spaces” in which actors participate and also help to shape.¹¹⁷

¹¹³ Khagram, Riker, and Sikkink, *Restructuring World Politics*, 7.

¹¹⁴ Ibid., 8.

¹¹⁵ Keck and Sikkink, *Activists Beyond Borders*, 2.

¹¹⁶ Ibid., 2-3.

¹¹⁷ Ibid., 4-6.

These networks are created, developed, and maintained *transnationally*, across geographic and cultural space.

Transnational and domestic actors employ framing techniques to garner and sustain support for issues in order to *advocate* for a particular policy or outcome. Keck and Sikkink (1998) define framing to mean “conscious strategic efforts by groups of people to fashion shared understandings of the world and of themselves that legitimate and motivate collective action.”¹¹⁸ Advocacy is the unique part about the TANs because their very purpose is to promote “causes, principled ideas, and norms,” and individuals advocate policy changes “that cannot be easily linked to a rationalist understanding of their ‘interests.’”¹¹⁹ As framing is an integral, strategic tool employed by advocacy networks to make an issue understandable to a variety of actors, human trafficking advocacy networks have developed different frames to garner support and maintain continued attention to this issue from governments and international organizations. How trafficking is framed at the national level influences national policies on trafficking. Furthermore, different national frames that emerge can influence whether or not there is a well-accepted international definition of trafficking or if there is a considerable debate about what trafficking is and what causes it. Framing at the national level influences the kind of policy and programmatic responses one sees at the international level.

¹¹⁸ Keck and Sikkink, *Activists Beyond Borders*, take their definition from Doug McAdam, John D. McCarthy, and Mayer N. Zald, “Introduction,” *Comparative Perspectives on Social Movements: Political Opportunities, Mobilizing Structures, and Cultural Framings*, ed. McAdam, McCarthy, and Zald (New York: Cambridge University Press, 1996), 6.

¹¹⁹ *Ibid.*, 8-9.

International Relations Feminism and Splitting of the Feminists on Prostitution and Trafficking

Feminist International Relations can facilitate an understanding of how contemporary frames of trafficking have developed. While there is not one feminist IR body of thought, feminist IR theorists have written from predominantly a Western perspective, and these perspectives have not always reflected nuances in feminist thought from women in developing countries. Feminist IR pioneers, such as Cynthia Enloe and Jan Jindy Pettman,¹²⁰ began writing about women's roles in international relations and how women have been portrayed in international relations. For example, Enloe (1989) wrote of women's (sometimes forced) participation in prostitution around military bases. Pettman (1996a; 1996b) tried to find socio-economic foundations for the exploitation of women in prostitution. These ideas, like many others, had their roots in earlier thought. As explained in Chapter 1 and as will be explained below, feminists have been split on the issue of prostitution and the nature of its exploitation for many decades.

Issues related to the contemporary issue of human trafficking were already relatively high on the international and domestic political agendas – a century ago. At the turn of the 20th century, the British and American governments and middle-class activists were particularly concerned with “white slavery” – a phenomenon in which it was believed that young American and British (Caucasian) girls were being abducted and forced into prostitution. Through the early part of the 20th century, the

¹²⁰ Enloe, *Bananas, Beaches and Bases.*; Pettman, *Worlding Women.*; Pettman, “An International Political Economy of Sex?”

“traffic in girls” gained prominence with a series of international agreements, all trying to address the relationship between prostitution and migration.

By 1949, the name of the issue changed to “traffic in persons” and the UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others clarified the connection between trafficking in women and all forms of prostitution. Activists in Asia were some of the first to recognize aspects of trafficking as a contemporary global issue in the 1980s. The recognition of trafficking as an international problem fell off the radar screen of Western countries until the mid-1990s.

The early to mid-1980s experienced a resurgence of interest in combating international trafficking in women. Chapter 1 presented the significance of the 1982 Global Feminist Workshop to Organize against Traffic in Women in Rotterdam, the Netherlands in which Sudarat Sereewat had participated. The workshop, inspired by discussions during the 1980 UN Women’s Conference in Copenhagen as well as the publishing of the book *Female Sexual Slavery* by Kathleen Barry, was organized with the purpose of discussing the linkages between prostitution and trafficking in women. The workshop was one of the first international conferences of its kind.¹²¹ As previously mentioned, although the conference organizers desired to form a transnational network against “female sexual slavery,” no network emerged.¹²²

¹²¹ The Rockefeller Foundation provided the funding for this conference. The person at the Rockefeller Foundation who approved this grant was Laura Lederer who is now a special advisor to the U.S. Secretary of State on human trafficking issues.

¹²² Keck and Sikkink, *Activists Beyond Borders*, 178, paraphrasing Kathleen Barry, Charlotte Bunch and Shirley Castley, eds., *International Feminism: Networking against Female Sexual Slavery* (New York: The International Women’s Tribune Center, Inc., 1983), 119-121.

According to an interview with Charlotte Bunch by Keck and Sikkink (1998), the participants from the developing countries resisted having a transnational network on prostitution based in the global North. However, no organizations in the global South could financially support the coordination of a network,¹²³ yet.¹²⁴ In addition, the issue of trafficking in women for sexual exploitation provoked a strong debate between advocates of abolition of prostitution and advocates who saw nuances in the prostitution issue.¹²⁵ In fact, some feminist activists such as Lin Chew of Singapore and Mallika Dutt of India who attended the workshop both recalled that they went to the workshop with one conception of prostitution and trafficking and left with a broader view of women in prostitution.¹²⁶ The discussions between Western and non-Western women who attended this small workshop ended in a stalemate, and “nothing more was able to come from this conference.”¹²⁷

¹²³ Keck and Sikkink, *Activists Beyond Borders*, 178.

¹²⁴ It would be another decade before a southern-based network against trafficking could be supported, and it is significant for this research that this network was created in Thailand. That network is GAATW founded in 1994.

¹²⁵ Keck and Sikkink, *Activists Beyond Borders*, 178.

¹²⁶ See Lin Chew, Addressing Trafficking of Persons in the Human Rights Framework, December 26, 2005 Available at: http://www.fundforward.org/uswomenwithoutborders/featured/archives/2005/12/addressing_traf.html (accessed October 30, 2006); See Mallika Dutt, *Reflections on Trafficking in Women...Then and Now*, November 8, 2005. Available at: http://www.fundforward.org/uswomenwithoutborders/featured/archives/2005/11/reflections_on.html (accessed October 30, 2006).

¹²⁷ Sudarat Sereewat, Fight Against Child Exploitation, interview with the author, Bangkok, Thailand, June 30, 2002.

Malikka Dutt, founder and executive director of Breakthrough,¹²⁸ was an intern at the International Women's Tribune Centre, where she worked with Charlotte Bunch and Kathleen Barry in the 1980s. She helped organize the Rotterdam conference in 1983. Dutt writes that she realized at the conference that sex workers themselves brought a different perspective to the conversation. Priscilla Alexander and Margo St. James of Call Off Your Old Tired Ethics (COYOTE) expressed how sex work can also be entered into by choice. There was a lot of hostility expressed toward that point of view, and for years the prevailing feminist position was that sex work did not constitute a legitimate form of work and only empowered people who pimped women and girls in prostitution.¹²⁹ This realization also came to Lin Chew.¹³⁰ Chew attended the Rotterdam conference, and stated about her experience and participation:

“...I was unaware of the tensions that were already underlying the whole organization of the workshop, namely, the tensions between pro-prostitutes' rights advocates and some of the organizers of the workshop...[T]he focus, however, was on women from developing countries being trafficked into prostitution. I came away

¹²⁸ Breakthrough is an international human rights organization that uses media and popular culture to promote values of equality, dignity and justice based in India.

¹²⁹ Mallika Dutt, *Reflections on Trafficking in Women...Then and Now*.

¹³⁰ Lin Chew was born in Singapore and lived for 26 years in Netherlands. She was one of the initiators of the Dutch Foundation against Trafficking (STV) in Women in 1987, and GAATW in 1994.

convinced that I was not against the women who worked as prostitutes, but that the patriarchal institution of prostitution should be dismantled.”¹³¹

Despite the fact that a formal network was not created, the workshop was important for several reasons. First, “it explicitly argued that the issue of sexual slavery needed to be situated in a broader debate about women’s human rights.”¹³² Second, it rejected the idea of a campaign in which Western women were benevolently acting on behalf of women in developing countries,¹³³ and promoted more universal women’s issues, such as violence against women. Third, it highlighted the contention about the relationship between trafficking and prostitution that was evident in early conferences on trafficking in women in the early 20th century, and that continues today.

Kathleen Barry later wrote of the experience in Europe working on this issue of “sexual slavery:”

After organizing an international meeting in Rotterdam on female sexual slavery in 1983, exhausted and depressed from repeated undermining and personal attack on my radical feminism by the prostitution lobby and by Western liberals there, I announced to several feminist friends...that I had gone as far as I could on this issue.

¹³¹ Lin Chew, “Reflections by an Anti-trafficking Activist,” in *Trafficking and Prostitution Reconsidered*, ed. Kamala Kempadoo with Jyoti Sanghera and Bandana Pattanaik (Boulder, CO: Paradigm Publishers, 2005), 66.

¹³² Keck and Sikkink, *Activists Beyond Borders*, 178.

¹³³ Keck and Sikkink, *Activists Beyond Borders*, 178 quoting Kathleen Barry, “The Opening Paper: International Politics of Female Sexual Slavery,” *International Feminism*: 31.

I explained that even after organizing an international meeting, I was still alone and I was withdrawing.¹³⁴

However, Barry's colleagues voiced their optimism about following up from a network that *they* perceived had been developing and that a "new wave" of NGOs could be created that would have consultative status with the United Nations. By the mid-1980s, an organization called Women Hurt in Systems of Prostitution Engaged in Revolt (WHISPER) had been founded, and Barry's enthusiasm was renewed.¹³⁵ The organizers of the Rotterdam workshop today are called abolitionist feminists, and in fact, Kathleen Barry, whose research and activism advocated for the abolition of prostitution, is one of the founding members of CATW. CATW played a prominent role in the drafting of the UN Protocol in 1999 and 2000, and is well-known to be a transnational advocacy coalition that advocates for policies to eliminate prostitution and make the conceptual and practical connection between prostitution and trafficking. CATW wields much influence in political circles in Washington, DC as a feminist abolitionist coalition. Siriporn's FFW and GAATW distanced themselves from CATW, and GAATW is often seen as the counter global campaign to CATW. The Thai-based organizations like FFW and GAATW "came to realize that prostitute women's own demands could not be met through an abolitionist stance."¹³⁶

¹³⁴ Kathleen Barry, *The Prostitution of Sexuality* (New York: New York University Press, 1995), 4.

¹³⁵ Ibid.

¹³⁶ Jeffrey, *Sex and Borders*, 84-85.

Radical/abolitionist feminists led by Kathleen Barry, Charlotte Bunch, and Janice Raymond¹³⁷ hold firm to the belief that trafficking is synonymous with prostitution, and that abolition is the best tactic to end both interrelated phenomena. In other words, the feminist abolitionist position postulates that prostitution is inherently exploitive and that anyone involved in prostitution is being coerced because of embedded patriarchal institutions. (The central premise of the abolitionist approach is that, “men create the demand; women are the supply.”)¹³⁸ Trafficking is by definition the act of forcing or coercing an individual into a situation of sexual or labor exploitation. Therefore, those involved in prostitution are always in a trafficking situation.

There were others like Lin Chew who began their days of activism advocating for abolition as well. However, after they talked with women in voluntary prostitution, they realized that the only way to break the stigma and marginalization of prostitutes was to accept what they did as “a form of work, with its own specificities of risks and benefits, but no more or less special than other forms of work.”¹³⁹ This field of thought was equally radical on the other side of the ideological, feminist spectrum. Chew argues that prostitution is not the only “patriarchal institution” that should be dismantled. She states:

¹³⁷ Raymond is currently the Executive Director of CATW.

¹³⁸ Kathy Miriam, “Stopping the Traffic in Women: Power, Agency and Abolition in Feminist Debates over Sex-Trafficking,” *Journal of Social Philosophy*, 36, no. 1 (Spring 2005): 2.

¹³⁹ Chew, “Reflections by an Anti-trafficking Activist,” 66-67.

The personal struggle for me was to overcome the mainstream moral hypocrisy into which I had been socialized, and to understand prostitution as *one of the* institutions within our contemporary patriarchal, socioeconomic system, next to, for example, marriage.¹⁴⁰ [emphasis added]

Despite this deadlock on the issue of prostitution, the goal of combating violence against women continued to develop within the international women's movement throughout the 1980s and 1990s.

Cooperation and Mobilization of Nonstate Actors According to Public Policy Theory

Political science and public policy theorists over the last half century have tried to make sense of the fact that nonstate actors (also called interest groups) play some kind of role in policymaking. Making sense of the sometimes messy agenda-setting and policymaking process has prompted theorists to develop different explanations of the triangulation among interest groups (nonstate actors), lawmakers, and bureaucrats. The more contemporary idea of a "policy network" in the context of Western (particularly American and British) political science theories is connected with previously used concepts such as sub-government, subsystem, and policy community. Related to the role that the networks play in agenda-setting and policymaking, political scientists have been trying to understand the process of how

¹⁴⁰ Ibid., 67.

some issues make it onto the agenda and others do not,¹⁴¹ the process of policymaking in general,¹⁴² and how policy change happens.¹⁴³

The national agenda-setting process is a complex aspect of the policymaking process. Kingdon (1984; 1995) identifies two major predecision processes: agenda-setting and alternative specification. He argues that “although no one set of actors dominates any phase of the agenda-setting process, the president and his appointees have substantial influence in agenda-setting....Interest groups, academics, researchers, and consultants tend to be influential at the alternative specification phase.”¹⁴⁴ The agenda of a government “is a list of subjects to which officials are paying some serious attention at any given time.”¹⁴⁵ The process of agenda-setting “narrows the set of subjects that could conceivably occupy” the attention of policymakers.¹⁴⁶ “Alternative specification” is a complimentary concept to agenda-setting because it “narrows the large set of possible alternatives to that set from which choices are actually made.”¹⁴⁷ Kingdon argues that it is important to look at *who* is

¹⁴¹ John W. Kingdon, *Agendas, Alternatives, and Public Policies*, 2nd ed. (United States: Harper Collins, 1995).

¹⁴² Paul A. Sabatier, ed., *Theories of the Policy Process*, 2nd ed. (Cambridge, Massachusetts: Westview Press, 2007).

¹⁴³ Frank R. Baumgartner and Bryan D. Jones, *Agendas and Instability in American Politics* (Chicago: University of Chicago Press, 1993); Paul A. Sabatier and Hank C. Jenkins-Smith, *Policy Change and Learning* (Boulder: Westview Press, 1993).

¹⁴⁴ Clifford J. Wirth, review of *Agendas, Alternatives, and Public Policy*, by John W. Kingdon, *The American Political Science Review* 79, no. 1. (March 1985): 213-214.

¹⁴⁵ Kingdon, *Agendas, Alternatives, and Public Policies*, 196.

¹⁴⁶ *Ibid.*

¹⁴⁷ *Ibid.*

affecting the agenda, as well as the “processes through which these participants affect agendas and alternatives.”¹⁴⁸ Kingdon’s theory on the policymaking process puts forth the idea that there are three major “process streams” in federal policymaking: problem recognition, the formation and refining of policy proposals, and politics.¹⁴⁹ When people recognize problems and settle on proposals for public policy changes, they are engaging in the political process.¹⁵⁰

A variety of terms have been used to describe the grouping of actors who engage with one another during the many points on a policymaking continuum – interest group, policy/issue network, advocacy network, advocacy coalition, sub-government, subsystem, and policy community. With so many terms describing very similar phenomena and little consistency with how they are used, some argue that these terms lack substance.¹⁵¹ However, there is some history with the way that these concepts have developed.

In the last half century the concept of the “network” has been in vogue in the discourse of political scientists. We must trace it back to the idea of a sub-system: policymaking in which the participants are joined in a complex and informal process.¹⁵² “One of the important characteristics of the current interest in networks is

¹⁴⁸ Ibid.

¹⁴⁹ Ibid., 197.

¹⁵⁰ Ibid., 199.

¹⁵¹ Jordan, “Sub-government, Policy Communities and Networks,” 319-338.

¹⁵² David Truman, *The Governmental Process* (New York: Knopf, 1951), as quoted in Jordan “Sub-government, Policy Communities and Networks.”

the assumption that the pattern of relationships contributes to policy resolution.”¹⁵³ American political scientists were interested in emphasizing a process of policymaking that was regularized. For example, in an effort to describe relationships between legislators, administrators, and lobbyists, some academics used the term “sub-government.”¹⁵⁴ A sub-government can be described as “clusters of individuals that effectively make most of the routine decisions in a given substantive area of policy...A typical sub-government is composed of members of the House and/or Senate, members of Congressional staffs, a few bureaucrats and representatives of private groups and organizations interested in the policy area.”¹⁵⁵ In a similar vein, J. Leiper Freeman (1965) built on E. S. Griffith¹⁵⁶ by describing a “pattern of interactions of participants, or actors, involved in making decisions in a special area of public policy” as a “sub-system.” The sub-government and sub-system theme developed into the “iron triangle” concept first coined by Lowi (1964).¹⁵⁷

Whereas these previous terms developed from the U.S. federal policymaking system, European academics weighed in with counter-terms. For example, Richardson and Jordan (1979) offered the idea of a “policy community” to hint “at

¹⁵³ Jordan, “Sub-government, Policy Communities and Networks,” 320.

¹⁵⁴ The term sub-government was first used by D. Cater, *Power in Washington* (New York: Random House, 1964).

¹⁵⁵ Randall Ripley and Grace Franklin, *Congress, the Bureaucracy and Public Policy* (Homewood, Illinois: Dorsey Press, 1984), 10.

¹⁵⁶ Jordan, “Sub-government, Policy Communities and Networks,” 322; E. S. Griffith, *The Impasse of Democracy* (New York: Harrison-Hilton Press, 1939).

¹⁵⁷ T. Lowi, “How the Farmers Get What They Want,” *Reporter* (1964): 34-36, as quoted in Jordan, “Sub-government, Policy Communities and Networks,” 324.

the mechanics of policymaking within sectorized settings.”¹⁵⁸ The policy community concept has been accepted in Britain because it is a “particular type of policy setting in which policy resolution is made easier because of long-term relationships and shared norms among the community.”¹⁵⁹ Grant, Paterson, and Whitson (1988) argue that people operating in policy communities have “broadly shared goals and means for reaching agreement.”¹⁶⁰ By contrast, they use “policy network” to refer to “interactions which take place where there is not a well established shared framework of reference.”¹⁶¹

Policy communities have come to be understood by successive British and American scholars as a *stable network* involved in bargaining policy resolution, and a policy network is “a statement of shared interests in a policy problem....A policy community exists where there are effective shared ‘community’ views on the problem. Where there are no such shared attitudes, no policy community exists.”¹⁶²

Jordan (1990) argues that the terms sub-government, sub-system, and iron triangle are near synonyms for a more contemporary “network” concept that started developing in the 1970s. Within a sociological perspective, Benson (1982) defined a network as a “complex of organizations connected to each other by resource

¹⁵⁸ Jordan, “Sub-government, Policy Communities and Networks,” 326.

¹⁵⁹ Ibid.

¹⁶⁰ Grant, Paterson, and Whitson (1988) as quoted in Jordan 1990, 327.

¹⁶¹ Ibid.

¹⁶² Jordan, “Sub-government, Policy Communities and Networks,” 327.

dependencies.”¹⁶³ Hugh Heclo came up with the term “issue network” in 1978 as a response to the more rigid American concept of “iron triangle.” The issue network emphasizes irregularity whereas the policy community is a certain type of network that emphasizes stability.¹⁶⁴ The issue network is about “open participation, limited consensus on issue definition, and policymaking as an *ad hoc* process.”¹⁶⁵

As the empirical evidence shows below, public policy theories can be useful to our understanding of how sometimes loosely-formed networks and coalitions bring an issue to the fore, and get it onto the agenda in a way that will lead to a major policy development. The concept of a network has been a particularly useful in both International Relations theories and public policy theories as a way to explain the participation of nonstate actors in the political process. Specifically, in the case of the domestic networks that developed in the United States and Thailand on human trafficking, the concept of an irregular “issue network” (versus a more stable policy network or community) is more suitable to describe how diverse groups arrived at similar understandings of complex processes over a relatively short period of time.

¹⁶³ J. K. Benson, “A Framework for Policy Analysis,” in *Interorganizational Co-ordination* (Ames: Iowa State University Press, 1982), 148.

¹⁶⁴ Jordan, “Sub-government, Policy Communities and Networks,” 333.

¹⁶⁵ *Ibid.*, 331.

Clarifying Case Studies Through Theoretical Lenses

This next section provides a general overview of the agenda-setting process in each country and sets the stage for deeper discussions in the case study chapters.

Agenda-Setting Process

This research explores the processes of how the issue of human trafficking made its way “onto the agenda” in the U.S. and Thailand. It is also interested in what happened after it got onto the agenda. The argument here is that, in the United States, the loosely-bound but enduring coalition of faith-based conservatives and abolitionist feminists was able to maintain this issue on the agenda by vigorously promoting the implementation of the TVPA, particularly the use of the TVPA as a foreign policy tool with the aim to eradicate prostitution globally. The George W. Bush Administration has been very committed to the implementation of the TVPA and the U.S. Congress has allocated substantial financial and human resources towards that end.

Stolz (2005) is interested in explaining *how* nonstate actors (she calls them interest groups) affected the process of agenda-setting on human trafficking in the United States during the late 1990s; in other words, educating policymakers about a horrendous “new” crime that culminated in the passage of the TVPA. It is interesting to note that the agenda-setting stage in the U.S. was linked to international anti-trafficking efforts in multiple ways. U.S.-based organizations were conducting research in other countries about women who were being trafficked to the United

States. The organizations were also integrally involved in negotiating the UN Protocol.¹⁶⁶ This dissertation research takes one step further than Stolz and is interested in what happened after the act was passed. An unusual coalition of conservatives and feminists in the U.S., who were partially responsible for getting trafficking on the agenda, remained engaged with one another even after the passage of the TVPA. This sustained coalition was able to keep the issue on the agenda over the course of the last eight years by advocating to the U.S. government to allocate hundreds of millions of dollars towards domestic and international anti-trafficking projects, by advocating full implementation of the TVPA – especially the use of the Trafficking in Persons report as a foreign policy tool, and by ensuring that those in positions of power in the U.S. government to implement the TVPA embraced the abolitionist perspective. This also had a significant impact on already formed advocacy networks in Thailand, and contributed to a new one against a U.S.-based nonstate actor operating in Thailand. Framing and agenda-setting activities were geared towards the abolitionist perspective and clashed with different norms that had been developing separately in Thailand over many years.

How did it get onto the agenda in the U.S.? There were several ways. First, organizations focusing on trafficking in countries of the former Soviet Union brought it to the attention of policymakers. Women and girls trafficked in the 1990s from these countries bore “a closer resemblance to the wives and the daughters” of many U.S. policymakers may have been one factor in attracting attention to the trafficking issue. Second, re-framing and re-definition efforts on the part of organizations played

¹⁶⁶ Stolz, “Educating Policymakers and Setting the Criminal Justice Policymaking Agenda,” 411.

a part. For example, in order to create a policy that was different enough from the ones already in place, it was necessary to distinguish trafficking victims from illegal immigrants or those smuggled into the country who ended up in exploitive circumstances. Stolz (2005) argues that “despite the opposition of some groups to the characterization of trafficked persons as ‘coerced, deceived, or forced’ this characterization reifies the distinction between the trafficked and others engaged in the same type of behavior. It is this distinction, perhaps more so than race that may have drawn sympathy necessary to convert the condition into an unacceptable problem – a problem that had to be addressed.”¹⁶⁷ Third, an unlikely coalition of conservatives and feminists prompted the cooperation of Republicans and Democrats. These groups were adept at framing the issue in such a way to convince lawmakers that this was a serious enough problem to address.

A compelling argument can be made that human trafficking has also been on the *international* political agenda. This means that individuals and organizations attempt to codify the issue in international law by defining it and outlining acceptable norms to be used by governments to combat it. International organizations – such as multiple UN agencies and other inter-governmental organizations – incorporate the issue into their project agendas and engage governments and civil society organizations in order to design projects that will try to address specific aspects of it. Finally, as an issue that transcends international borders, transnational spaces open to share information and transnational advocacy networks develop to encourage the commitment of governments to address the issue.

¹⁶⁷ Ibid., 423.

Theories of public policy, developed primarily for the Western political context, provide useful tools for how to understand framing and agenda-setting of nonstate and state actors operating within domestic and transnational advocacy networks. Baumgartner and Jones (2001) call framing a “policy image” – the way public policies are discussed in public and in the media.¹⁶⁸ Images play a role in determining which actors in society will be attracted to a given debate, “and many political scientists have noted their attempts to change public or elite understandings of the nature of important policy questions.”¹⁶⁹

Public policy theories can be used to help explain the assertion made in this dissertation that human trafficking made its way onto the agenda in Thailand and the United States. However, this needs to be clarified. First, there are different kinds of agendas – public and institutional. Second, public policy literature tries to explain why issues make it onto the agenda, and how policies develop and are implemented. However, as we have seen above, these theories have been developed primarily to explain industrialized democracies, and even more specifically the United States and Great Britain (and to a much smaller extent France). Public policy theories are much less frequently applied to policy processes in developing countries.¹⁷⁰

Given the fact that most public policy theories were developed with the U.S. or British policymaking systems in mind, the theories will be able to be directly

¹⁶⁸ Frank Baumgartner and Bryan Jones, “Agenda Dynamics and Policy Sub-systems,” *Journal of Politics* 53, no. 4 (1991): 1046.

¹⁶⁹ Baumgartner and Jones, “Agenda Dynamics and Policy Sub-systems,” 1047.

¹⁷⁰ Although it is out of the scope of this dissertation to determine if these theories on public policy are applicable to agenda setting and policymaking in Thailand, it is interesting to speculate if they are.

applied to understanding what happened in the U.S., and will provide a guide to the institutional agenda-setting process in Thailand. The issue of human trafficking rose on the political agendas in the U.S. and in Thailand and the policies were developed, decided upon, and implemented through the interaction of multiple institutions and organizations over the course of more than a decade. How it got on the agenda, who got it there, and how it stayed on the agenda are important questions to ask. Other important questions to pose: What does it mean to be “on the agenda” at the domestic and international levels? Whose agenda is relevant, and why did this issue at this particular time and place make its way onto the political agenda? Finally, what role does framing have on the way that an issue gets on the agenda?

It is widely agreed among the community of anti-trafficking activists, advocates and government officials that the issue of human trafficking is “on the agenda.”¹⁷¹ Many use this terminology because of the apparent speed that the issue rose from being relatively unknown to being highly discussed and debated among a specific community of policymakers and organizations in many countries around the world, but especially in the U.S. and in Thailand, and in transnational space. Governments and organizations have addressed it mostly within a political environment. Agenda-setting and policymaking literature can help us understand how it got onto the agenda, and how it stayed there.

¹⁷¹ Former head of the Office to Monitor and Combat Trafficking in Persons in the U.S. Department of State, Ambassador John Miller, mentioned in a presentation at The George Washington University on October 9, 2007 that the issue of human trafficking is “high on the agenda.” Stolz (2005) argues, “During the 1990s, the human trafficking problem emerged as an issue on the international and US policy agendas.”

What role does framing have on the way that an issue gets on the agenda? One of the main reasons why and how the issue of human trafficking has gained a prominent place on the global and domestic agendas is due to the way that it has been framed by organizations and governments. Organizations frame the issue according to their own ideological agendas. One of the primary vehicles for how the issue gets framed is through loosely formed domestic and transnational advocacy networks and transnational campaigns – how they share information, how they leverage resources, and how they decide to connect with organizations in other countries have all been crucial to how the issue have been framed.

It is sometimes the case that an issue gains prominence for a short period of time, and then recedes to make way for the next issue. In addition to *getting on the agenda*, a case can be made that human trafficking has been *sustained* on political agendas many years after the norms codified in the UN Protocol reached a threshold or tipping point.¹⁷² The primary reason why human trafficking is maintained as a prominent issue is due to the competition among organizations and governments for one frame to be the dominant frame. Often such disagreements keep issues off the agenda; however, politically dissimilar groups (feminist abolitionists and religious-right conservatives) created a politically powerful advocacy network (albeit loosely formed) that provided the necessary momentum and political will to raise the importance of the issue. The nature of the disagreements was definitional rather than whether the issue should be addressed or whether it was generally important. When a conservative presidential administration came into power in 2001 in the United

¹⁷² Martha Finnemore and Kathryn Sikkink, “International Norm Dynamics and Political Change,” *International Organization* 52, no. 4 (1998).

States, human rights feminists lost their access to many of the allies they had in the U.S. government, and in fact experienced blocked access to the government.

However, human rights feminists did not back down. They continued to ensure that other perspectives of the issue were addressed in political circles when possible, either through publications, conferences, or activities. The sustained debate over several years kept human trafficking on the agenda because neither side of the debate was willing to back down. It is not so much that the norms on how to address the problem of trafficking are disputed, but the various ways to frame the issue of trafficking generates intense disagreement. There is a competition among various actors about the way that trafficking should be framed. Some organizations and governments push particular frames, and the imposition of one frame over another can affect how the norms are interpreted and implemented at the domestic level.

The U.S. and Thai domestic anti-trafficking agendas can be divided into two inter-related sub agendas: an institutional agenda and a public agenda. When an issue is on an institutional agenda, actors in governmental and nongovernmental (including civil society and interest group) institutions are engaged with each other, and attempt to engage with their governments, in the process of policymaking and then different sets of actors are involved in implementing the policies. When an issue is on the public agenda, the media is spotlighting it regularly, politicians are addressing it in speeches, and social institutions are incorporating it into their outreach activities. This issue has been on these sub agendas in different ways in both countries. However, this research is most interested in institutional agenda-setting and policy implementation.

Country Case Selection

Although this research draws broadly on the global issue of human trafficking, Thailand and the United States served as primary country case studies for this analysis. Through the case studies of Thailand and the United States, several interesting phenomena are evident: the development of domestic advocacy networks working on trafficking and their interaction with the governments; the development of domestic anti-trafficking policies; the process by which domestic advocacy networks became transnational advocacy networks; and how transnational advocacy networks between two countries framed the issue in such a way to influence how policies and norms were translating on the ground.

Thailand has endured the problem of trafficking of Thai women out of the country to places like Japan, Western Europe, North America, and Australia for the sex trade on a large scale since the Vietnam War. It also has a serious problem of women and girls being trafficked into Thailand from Burma, Cambodia, and Lao People's Democratic Republic (PDR), as well as Thai men trafficked to North America and Burmese and Cambodian men trafficked on Thai fishing boats. However, we are seeing normative and institutional changes in Thailand regarding human trafficking. An increase in the number of articles about trafficking and the negative effects of prostitution in Thailand are visible in the two English-language newspapers in Thailand, *The Bangkok Post* and *The Nation*. Activists from Thailand were involved as early as 1983 in international anti-trafficking workshops. Although no formal, global network of activists resulted from these early workshops, they set

the stage for networking later in the 1980s and early 1990s. One of the earliest places we find the norm of treating someone who has been trafficked as a “victim” instead of an illegal migrant in violation of immigration laws is in Thailand. The Thai government began addressing trafficking in 1990 at the urging of Saisuree Chutikul (at the time a Member of Parliament).¹⁷³ In 1997, Thailand drafted and passed a new constitution. In the same year, Measures in Prevention and Suppression of Trafficking in Women and Children was passed. Thailand has signed the UN Protocol.

Thailand is a leader among developing countries in the way that it is addressing this problem, not only from the perspective of what the government is doing, but how the NGOs have been involved in creating advocacy networks within and across borders. In Thailand, activists, NGOs, and government officials began talking about and addressing trafficking in the early 1980s, well before NGOs in the United States. Thai NGOs recognized that the solutions to trafficking and related problems (prostitution, sex tourism, child prostitution/ child sex tourism) needed a response from multiple actors in multiple countries. Thai NGOs contacted Western NGOs in the United States and Europe because Western men were partially responsible for driving the demand for women and children in the Southeast Asian sex trade.¹⁷⁴ Thailand is unique because it is one of the first countries to address trafficking in this way. Thailand has a contemporary law against trafficking that was passed three years before the anti-trafficking law was passed in the United States. It has bilateral agreements with its neighbors in the Mekong Sub-region: Cambodia and

¹⁷³ Saisuree Chutikul, *Trafficking Response in Thailand* (Bangkok: Working Paper of the National Committee on Measures for Trafficking in Women and Children, 2002).

¹⁷⁴ Sudarat Sereewat, FACE, interview with the author, Bangkok, Thailand, June 2002.

Lao PDR. It has incorporated international organizations into the institutional framework of the government to combat trafficking. Finally it is the only country in Asia whose government receives money directly from the United States in order to support anti-trafficking programs, specifically to train police to be more sensitive to the issue of trafficking.¹⁷⁵

Several months after Thailand passed its trafficking law in 1997, a memorandum was issued by President Bill Clinton in the United States that detailed measures to be taken by his administration to combat violence against women and trafficking in women and girls.¹⁷⁶ Thus was born several norms that have been the foundations of the global anti-trafficking movement. A select number of NGOs based in the United States began lobbying the U.S. government to pass a more comprehensive anti-trafficking legislation, one that would give greater power to the U.S. Department of Justice to prosecute traffickers. The TVPA is one of the first domestic trafficking laws in the world to codify the norm of the treatment of the people who have been trafficked specifically as “victims” and not as criminals or illegal migrants. The U.S. trafficking law also set up the Office to Combat and Monitor Trafficking in Persons in the U.S. Department of State that has power to set foreign policy, as well as drive the domestic anti-trafficking policy.¹⁷⁷

¹⁷⁵ U.S. Department of State officials, briefing with author, Washington, DC, June 2002.

¹⁷⁶ William J Clinton, Memorandum for the Secretary of State, the Attorney General, the Administrator of the Agency for International Development, the Director of the United States Information Agency, March 11, 1998.

¹⁷⁷ The Senior Policy Operating Group (SPOG) was formed after the 2003 TVPA Reauthorization. Although, the SPOG is chaired by the U.S. State Department, its purpose is to set American foreign and domestic policy on trafficking.

It has been estimated that the United States receives the largest number of trafficking victims compared to any other country, approximately 14,500 to 17, 500 per year.¹⁷⁸ It would be difficult to leave the United States out of a discussion on how norms to combat trafficking were developed, why and how transnational advocacy networks were formed to combat human trafficking, and how the transnational advocacy networks have used frames to sustain a level of interest at the international level. American activists and advocates have been crucial to placing pressure on the U.S. government, other countries, and international organizations to do something about trafficking.

These two countries were chosen for several reasons. First, the United States and Thailand both represent countries that have significant problems with trafficking. Thailand is a sending, transit and destination country;¹⁷⁹ the United States is a destination country of trafficked individuals. If we frame trafficking as a problem of “child prostitution” where children under 18 years of age in prostitution are automatically trafficking victims, the United States and Thailand can also be considered countries with internal trafficking problems.

Second, both countries are leaders in their own right. Domestic organizing to combat trafficking in both Thailand and the United States has been significant and

¹⁷⁸ United States Department of State, *2006 Trafficking in Persons Report* (Washington, DC, 2006). Available at: <http://www.state.gov/documents/organization/66086.pdf> (accessed April 1, 2007).

¹⁷⁹ United States Department of State, *2005 Trafficking in Persons Report* (Washington, DC, 2005). Available at: <http://www.state.gov/documents/organization/66086.pdf> (accessed April 1, 2007); United States Department of State, *2006 Trafficking in Persons Report*.

has made an impact on the overall global movement¹⁸⁰ to combat trafficking. Thailand is one of the first countries in Asia where NGOs reached out to NGOs in other Asian countries, thereby creating a lasting network of individuals and organizations to combat trafficking.¹⁸¹ Thailand and the United States participated in the drafting of the UN Protocol on Trafficking in Persons.¹⁸² Though coming to this issue later than actors in Thailand, the United States government and U.S.-based international NGOs and INGOs have emerged as leaders in the movement to combat human trafficking. Each of the domestic networks of NGOs is influenced by the global networks and coalitions to combat trafficking. Third, on a point of comparison, the role of international organizations is crucial to combating trafficking in Thailand, but that is not the case in the United States.

Fourth, the United States and Thailand have a unique relationship. Although prostitution has a long history in Thailand and other Asian countries,¹⁸³ many East and Southeast Asian women – specifically Thai, Filipina, and Korean – turned to prostitution, or were forced into prostitution, in the context of the Vietnam War and the establishment of American military bases in the Pacific region. Today, the United

¹⁸⁰ The word “movement” is used here to describe the sum of all global activities to combat trafficking.

¹⁸¹ Sudarat Sereewat, FACE, interview with the author, Bangkok, Thailand, June 2002; Kosong Srisang ed., *Caught in Modern Slavery: Tourism and Child Prostitution in Asia*, (Bangkok, Thailand: Ecumenical Coalition on Third World Tourism, 1990).

¹⁸² Wanchai Roujanavong, Thai Ministry of Justice, interview with the author, Bangkok, Thailand, June 26, 2006; See Anne Gallagher, “Human Rights and the New UN Protocols on Trafficking and Migrant Smuggling: A Preliminary Analysis,” *Human Rights Quarterly* 23 (2001): 975-1004.

¹⁸³ Korean and Chinese women were forced into prostitution as “comfort women” by the Japanese military during World War II.

States Navy still informally uses the port in Rayong, Thailand (approximately 90 miles southeast of Bangkok) to re-supply its ships.¹⁸⁴ At the same time, however, the United States provides funding to many Thai organizations and the Thai government directly to combat trafficking.¹⁸⁵

Finally, it would be impossible to discuss transnational advocacy networks and not include the United States in the discussion. Despite much criticism about the role of the U.S. government and INGOs as global anti-trafficking norm enforcers, the U.S. government can be praised for funding hundreds of international anti-trafficking projects and committing nearly half a billion dollars to addressing human trafficking since 2001. The U.S. government employs has threatened other countries, Thailand included, with sanctions if they do not step up their efforts to combat trafficking. However, the U.S. government has also been instrumental in convincing the governments of dozens of countries to improve their policies on addressing human trafficking.

Methodology

Qualitative Research

Due to the difficulties of quantifying a fluid, transnational problem, employing a qualitative research methodology has allowed the exploration of

¹⁸⁴ American expatriates living in Thailand, conversations with author, May – July 2006.

¹⁸⁵ See United States Department of State, “Government Funded Anti-Trafficking Programs.” Available at: <http://www.state.gov/g/tip/c12606.htm> (accessed April 21, 2007).

normative and theoretical questions within the social science framework. The strategies employed – using secondary sources, conducting in-depth interviews, observing through participation, and process tracing – have illuminated complex, socio-political processes in two countries, the transnational level, and across time.

Primary and Secondary Sources

An obvious first step in qualitative research is the use of primary and secondary sources and historical data. Before 2000, only a handful of governments, international governmental organizations, and international nongovernmental organizations published reports about human trafficking. After 2000, a remarkable proliferation of non-state actors began conducting more research and issuing reports. Now there are many hundreds of studies on human trafficking globally, and particularly for trafficking in the United States and Thailand there are scores of reports. Other secondary sources include books, academic journal articles, newspapers articles, and international conference reports, and publications. Numerous primary sources – Thai and U.S. government documents were also utilized for the research.

In-depth Interviews in Thailand and the United States

Being motivated primarily by the political relationships amongst governments, nongovernmental organizations, and international organizations, the primary strategy of collecting information about the dynamics of combating

trafficking was to conduct in-depth interviews with representatives of domestic nongovernmental organizations in Thailand and the United States, key actors in the U.S. and Thai governments, and leaders in international organizations (IOs) intergovernmental organizations (IGOs) and INGOs familiar with the trafficking issue.¹⁸⁶ The purpose of the interviews was to *triangulate* among the key actors in the governments, nongovernmental organizations, international organizations – to build a complete picture of the advocacy strategies employed, and the processes of framing and norm-building.

In Thailand, research was conducted during four separate, extended-length trips to Thailand: June 2002; July 2003; July 2005; May-July 2006. Eighty individuals have been formally and informally interviewed over the course of five years. On the last trip to Thailand in May-July 2006, formal interviews were conducted with 58 individuals, the majority of whom spoke English. Where this was not the case, interpreters were used to assist in the interviews. The interviews were conducted with people who work in nongovernmental organizations, national and local government offices, international organizations, and academia in Bangkok, Chiang Mai, Chiang Rai, and Mae Sai.

In the United States, I have been working in Washington, DC on human trafficking issues in two capacities: Associate Director (gratis) of Project HOPE International (which recently changed its name to Prevent Human Trafficking Institute) from 2002-2005 and Director of HumanTrafficking.org, a project funded by the U.S. Department of State and housed at the Academy for Educational

¹⁸⁶ Interview questions can be found in the Appendix.

Development. Interviews and conversations were conducted with individuals who work in nongovernmental organizations, international organizations and the U.S. government, as well as officials in the Royal Thai Embassy in Washington.

Individuals who work in nongovernmental organizations in other parts of the United States, such as New York City, Los Angeles, San Francisco, Chicago, Dallas and areas of Florida were also informally interviewed. Twenty formal interviews have been conducted in the United States, and informal conversations were conducted with another 35 since 2002.

Admittedly, the focus of my interviews was the individuals whose beliefs were closest to my own. I did request interviews of the International Justice Mission and was denied an interview in Thailand in 2006. However, I met with one of their staff in 2002 in their Virginia offices. In addition, as a practitioner I have become very familiar with the collective arguments of both sides.

Institutional Review Board

In February 2006, an application was submitted to the Institutional Review Board at the University of Maryland – College Park to request permission to conduct interviews in the United States and Thailand for the dissertation. The application included a Consent Form and interviewees were asked to sign the Consent Form. The Consent Form was written in English and Thai, and was approved by the IRB.¹⁸⁷ The Consent Form was offered in English and in Thai to the individuals interviewed in

¹⁸⁷ A copy of the IRB-approved Consent Form can be found in the Appendix.

Thailand. Every person was told that that the interview was for a PhD dissertation in the Department of Government and Politics at the University of Maryland.

Participant Observation

Although a research approach used primarily in anthropology and social anthropology, participant observation is a qualitative methodology that has been broadly adopted by the social sciences. The point of using participant observation in this context was to gain a familiarity with organizations, individuals and governments through an intensive involvement with the people in their appropriate settings. The strategy of participant observation provided access to Thai and American officials through participation as a staff member of an INGO in the United States and the transnational advocacy networks between Thailand and the United States. I joined Project HOPE International in 2002 as Associate Director, a U.S.-based international nongovernmental organization in Washington, DC, that advocates on behalf of Thai NGOs in the United States. As the Director of HumanTrafficking.org,¹⁸⁸ I have attended conferences, been invited to meetings, been invited to speak at conferences, conduct numerous trainings, and have access to critical players in Washington, DC – the epicenter of combating trafficking in the United States. The community of anti-trafficking activists in Washington, DC is a highly politicized group of individuals

¹⁸⁸ HumanTrafficking.org is the first unbiased, information resource on human trafficking on the Internet. The Web site has nearly 3,000 pages of information about NGOs, international organizations, government agencies, publications, news items, events, and other resources about combating human trafficking in 19 countries in Southeast/ East Asia and the United States, and selective hotspots.

and organizations. Washington, DC is unique because there is a mix of many different kinds of individuals, government agencies, and organizations, many of which get involved both in domestic and international issues related to trafficking. By attending meetings and conferences, political alliances become evident, and this is useful to the overall understanding of how networks are formed and maintained.

In my capacity as Director of HumanTrafficking.org, I have been privy to how the U.S. Department of State operates internally and externally with regards to policies on human trafficking. In the same capacity, I am also a member of the Department of Justice-funded Washington, DC Task Force on Human Trafficking for which I have trained embassy officials and the DC Metropolitan Police Department on how to recognize human trafficking. Since 1998, I have attended and/or presented at over 30 conferences, workshops, and meetings about human trafficking in the United States, Europe, and Southeast Asia.

Although I have been fortunate to have access to various actors, I also have to be aware of the biases I have had as an *insider*, while trying to research as an *outsider*. Westerners who have done research on prostitution-related activities in Thailand have been criticized for their Western-centered approaches and the imposition of Judeo-Christian moral assumptions about women engaged in prostitution. Isabel Gunning (1991) asks in her article on female genital surgeries, “can one be respectful of other perspectives or cultures and still be critical?”¹⁸⁹ When in Thailand, I tried to listen to all sides of the argument. I may believe personally that prostitution is inherently exploitive to women (and men), and especially children,

¹⁸⁹ Isabel Gunning, *Arrogant Perception, World-Travelling and Multicultural Feminism*.

however, I feel that I, after hearing from the women themselves, cannot deny the agency of some women who may choose to be involved in prostitution. When studying this issue academically, it is easy to read and accept the argument of many Western feminists that prostitution is inherently exploitive. However, when I traveled to Thailand and talked with so many different activists working in organizations, I realize that the complexity of the issue is paramount. Gunning offers a methodology for Westerners studying difficult social problems – the “world-travelling method.” This method has a three pronged approach. First, it is necessary to “see oneself in historical perspective.” Second, “see oneself as the ‘other’ sees you.” Third, “see the ‘other’ in her own context.”¹⁹⁰ For the purposes of my research, the second and third approaches are most useful in trying to understand the issues in Thailand. For example, I knew that if I had not taken some years to get to know the individuals I interviewed, they may have viewed me as yet another white, Western, female academic who was coming to Thailand with preconceived notions of prostitution, and I did not want them to see me with those lenses. Second, it was quickly apparent that the issue of trafficking and prostitution in the Thai context was tremendously complex as it was a part of “a larger...organic social environment.”¹⁹¹ Although Gunning was referring to female genital surgery back in the early 1990s, it is easy to replace the word prostitution in the following quote:

Whatever the good intentions of Western feminists in expressing solidarity or
“helping” their sisters of color, Western articulations of concern over the

¹⁹⁰ Ibid.

¹⁹¹ Ibid., 213.

contemporary practice of [prostitution] in third world nations are often perceived as only thinly disguised expressions of racial and cultural superiority and imperialism.¹⁹²

As increased numbers of Western academics travel to Thailand and other countries to study prostitution and trafficking, they hopefully will be open to the “other” in her own context.

Process Tracing

Explanations need to be grounded in process tracing if they are to show the mechanisms of network expansion and issue framing.¹⁹³ A process-tracing methodology has been promoted by constructivists who are most interested in the development and impact of norms in the domestic arena. Gurowitz (1999) recommends for process tracing: “first, a focus on the actors who mobilize international norms; and second, an examination of the specific domestic circumstances that those actors confront.”¹⁹⁴ I employed the method of process tracing in which I used in-depth interviews, international conference reports, my own attendance at conferences, and publications to create a “time line” of the mobilization of nonstate actors in Thailand and the United States.

¹⁹² Ibid., 212.

¹⁹³ Keck and Sikkink, *Activists Beyond Borders*, 34.

¹⁹⁴ Gurowitz, “Mobilizing International Norms,” 419.

Conclusion

Several theories help to illuminate or make sense of the actors and the activities with which they are involved. Constructivism is a useful theoretical framework to analyze the role of nongovernmental organizations *vis à vis* the state, especially when it concerns a transnational problem such as human trafficking. The state is no longer supreme in addressing transnational problems for which it is not necessarily the perpetrator, but to which it may be complicit. Feminism is useful to understanding the relationships among critical NGOs that have been instrumental in setting the agenda and framing the debates. Feminism sheds light on the difficulties of Westerners studying issues in other countries, especially when they involve women's bodies and the state. The issue network/agenda-setting literature helps to inform the how interactions among organizations and governmental agencies facilitate the rise of issues on the political agenda.

The issue of human trafficking itself is difficult to study because it is inherently a criminal activity. There are literally hundreds of organizations around the world and hundreds of millions of dollars that have been spent over the last decade trying to "combat" human trafficking,¹⁹⁵ yet the baseline data we have for occurrences of trafficking are still very thin. We do not truly know the scope of the problem, we have not yet effectively addressed the root causes of trafficking, and we

¹⁹⁵ General Accounting Office, *Human Trafficking: Better Data, Strategy, and Reporting Needed to Enhance U.S. Antitrafficking Efforts Abroad* (Washington, DC, July 2006). Available at: <http://www.gao.gov/new.items/d06825.pdf> reports that the U.S. government alone spent US\$345 million between 2001 and 2005 on anti-trafficking projects domestically and internationally.

do not know the impact of the work we have already done. Perhaps for this reason, or for many others, academics have not tackled this issue to a great extent.

This dissertation informs progressive methodological approaches for addressing transnational social issues. A combination of qualitative methodologies – in-depth interviews, case studies, participant observation, and process tracing – are the most appropriate ways to measure the interactions amongst organizations and governments. These research tools allow the possibility to present a comprehensive account of the politics of combating human trafficking in Thailand and the United States, and the interaction between these two countries on the issue of trafficking since 2002.

Chapter 3: Domestic and Transnational Advocacy Networks to Address Trafficking in Thailand

Introduction

Thailand is a unique country to study with regards to the efforts to combat human trafficking. First, it is an economic and political leader in the Mekong Sub-region.¹⁹⁶ Thailand's economy is substantially stronger than the countries it borders: Burma, Lao PDR, Cambodia, and Vietnam. This creates an unbalanced economic dynamic that makes Thailand a receiving country for millions of undocumented migrants. Second, Thailand faces a substantial problem of labor and sexual exploitation, both as a receiving country of migrants from neighboring countries, a sending country of Thai and non-Thai migrant men and women to other parts of Asia, Western Europe and North America, and a transit country of Burmese and Chinese migrants to Malaysia and Singapore. Finally, the anti-trafficking community of activists, advocates, and officials is vibrant, dynamic, and many voices and agendas compete for attention. Thailand is the hub of activity for various international organizations and their activities in the region.

This chapter will explore deeply the politics of combating human trafficking in Thailand. The history of activism in Thailand bespeaks a vibrant domestic anti-trafficking movement. The relational and discursive landscape of nongovernmental organizations and the Thai government, and the subsequent domestic-based anti-

¹⁹⁶ The Mekong Sub-region consists of six countries in Southeast Asia that are touched by the Mekong River: Thailand, Cambodia, Vietnam, Lao PDR, Burma and Yunnan Province in southwestern China.

trafficking networks will be explored. What makes Thailand unique is the presence of a dozen or so international nongovernmental organizations working with the Thai-based nonstate actors and the Thai government to address human trafficking. These relationships that have formed over time will lay the ground work to explore how the Thai domestic anti-trafficking networks have reached out, plugged into, connected with, and reacted to the U.S.-based actors working in Thailand.

Transnational advocacy networks can be understood as complex and multi-layered relationships among a variety of international and domestic actors seeking relatively common goals. These relationships are dynamic over time, they do not always remain amicable, and there might be multiple advocacy networks competing within a space for limited funding and resources. This chapter will disaggregate the Thai political dynamics of addressing trafficking. It will follow the history of the anti-trafficking movement, particularly the interesting relationship between Thai NGOs and the Thai government, and examine the role that international organizations have played as they have become more involved in trying to combat human trafficking over the last decade. This chapter will also examine the role that nonstate actors have played in framing human trafficking so that it could be put on the public and institutional agendas in Thailand. One way to characterize the role of the nonstate actors in Thailand is that they are reaching out and at the same time they are trying to stay in control. They want to be considered an equal partner *vis à vis* the Thai government and international organizations, although their autonomy can sometimes be jeopardized because of the need for foreign funding to operate. This examination will also bring into focus the tools that Thai actors use to interact with the

international community, both in contentious and participatory ways. Ultimately, a picture will be painted of a vibrant, Thai anti-trafficking movement in which it is difficult to find where the Thai advocacy networks begin and the transnational advocacy networks end. This configuration of actors will provide the basis for which Thai nonstate actors will be able to stand up to U.S.-based nonstate actors who come to work on trafficking in Thailand after the U.S. sets its own agenda on this issue.

Brief Background of Trafficking Problem in Thailand

Thailand is a source, transit, and destination country for men, women, and children trafficked for the purposes of sexual exploitation and forced labor. It is estimated that thousands of Thai women are trafficked to Japan, Malaysia, Bahrain, Australia, Singapore, South Africa, Taiwan, Europe, and North America for sexual exploitation.¹⁹⁷ Thai men have been trafficked to North America for agricultural work. Burmese, Cambodian, and Laotian men are trafficked to Thailand for forced labor in the construction and agricultural sectors, and the fishing industry, while Burmese, Cambodian, Laotian and a small number of Vietnamese women and girls are trafficked for factory, domestic work and the sex trade. Cambodian children are trafficked to Thailand for the purpose of street begging. The majority of trafficking victims from Burma, Lao PDR, Cambodia, and China are economic migrants who are

¹⁹⁷ Thailand Country Report in the United States Department of State, *2006 Trafficking in Persons Report* (Washington, DC, 2006). Available at: <http://www.state.gov/g/tip/rls/tiprpt/2006/> (accessed April 1, 2007) characterizes the number of women trafficked out of Thailand to be “significant” though no one is certain of the exact number.

subjected to conditions of forced or bonded labor and commercial sexual exploitation in Thailand.¹⁹⁸ Women and children from Burma, Yunnan Province of China, Vietnam, Cambodia, Lao PDR, and Central Asia, are being trafficked to Thailand into exploitive sex and labor situations. Non-Thai ethnic women and girls living in Thailand are being trafficked from within Thailand into exploitive sex and labor situations. Thailand is also a country of transit for women and children on their way to Hong Kong, Malaysia, and Singapore. Ethnic minorities are trafficked from Burma through Thailand to destinations such as Malaysia and Singapore. Internal rural to urban trafficking parallels the patterns of rural to urban migration; for example, young women migrate to central Thailand from Isaan, an economically-disadvantaged province in northeastern Thailand, and many find exploitive working conditions in factories or the sex industry. In addition, researchers have identified an increase in the number of non-Thai, ethnic minority girls and women exploited in the sex industry due to their status as stateless people.¹⁹⁹

Interestingly, the number of Thai women and children forced into the Thai domestic sex industry has decreased over the last twenty-five years,²⁰⁰ and these women have been replaced by women from neighboring countries and Central Asia. However, Thai women are still being trafficked abroad to other countries such as Japan, Australia, Western Europe, South Africa, and North America.²⁰¹

¹⁹⁸ Thailand Country Report, 243.

¹⁹⁹ *Trading Women*, VHS, directed by David Feingold (Philadelphia, PA: Ophidian Films Ltd., 2002).

²⁰⁰ Ibid.

²⁰¹ Thailand Country Report.

For those Thai women who end up trafficked into the sex industry or factories of foreign countries, two patterns can be identified. The first pattern has two steps: young women leave their village, travel to a larger town, and then on to a foreign country. The second pattern has only one step: young women go directly from their village to a foreign country. Women trafficked by the two-step pattern usually are migrants who have moved out of their village and have already worked either in factories or in the sex industry before moving onto other countries. Young women who are trafficked by the one-step pattern are more prone to extreme forms of economic and sexual exploitation than those who worked in the sex industry prior to going abroad. Young women who are trafficked from neighboring countries often cross into Thailand with forged identity papers and their illegal status makes them greatly vulnerable to exploitation and abuse. The majority of Thai or other trafficked women in foreign countries work in lower strata of prostitution and they are likely to be under control of their owners and not in a position to negotiate with customers to protect themselves from disease.²⁰²

As with all countries, no one truly knows how many people are trafficked into or out of Thailand. It is difficult to conduct research on trafficking because many people do not self-identify as victims of trafficking, and because it is a clandestine business. However, many Thai academics recognize the importance of spending time

²⁰² Siriporn Skrobaneck, "Human Trafficking: From Vertical to Horizontal Journey," *Foundation for Women* (2006). Available at: http://www.womenthai.org/eng/php/hot_display.php?News_ID=200600084 (accessed December 3, 2006).

with migrants in Thailand to understand the dynamics of abuse and exploitation among them.²⁰³

Thailand has experienced a large rural to urban migration in the last twenty years that has strengthened the Thai economy. There has also been a large migration of women from rural to urban areas and this has violated long-held beliefs of women holding traditional roles in Thai society. The structured expectations of a woman staying in the same area and marrying where she grew up have broken down, as the behaviors of young women cannot be controlled once the women have left their towns and villages.²⁰⁴

Rapid economic growth in Thailand over the last two decades has changed the patterns of employment in such a way that agriculture, fishing and factory industries have greatly expanded. For example the garment factory industry has expanded so that many new factories – some small, some large – have been set up near Bangkok and along the Thai-Burma border. The booming fishing, construction, and tourism industries have also attracted much migrant labor from neighboring countries. Every several years, Thailand grants an amnesty for migrant workers, allowing them to register. There is also a new system whereby migrants can register first as temporary residents and then apply for work permits.²⁰⁵ However, these reactive measures have not prevented the abuse and exploitation of migrant workers in these industries.

Although the emphasis of anti-trafficking activities in Thailand has been on women

²⁰³ Kritaya Archavanitkul, Mahidol University, interview with author, Bangkok, July 15, 2006.

²⁰⁴ Skrobanek, “Human Trafficking: From Vertical to Horizontal Journey.”

²⁰⁵ Ibid.

and children in exploitive prostitution, in the last five years, Thai nonstate actors have increased their anti-trafficking advocacy to include the prevention of exploitive migrant labor in Thailand.

Thailand has also been a major destination country for Western and Asian men engaged in sex tourism.²⁰⁶ Although many Thai women employed in the sex industry to service the tourists are involved voluntarily, it is generally accepted that child sex tourism is an egregious side of sex tourism that must be eradicated.

Women's Human Rights Movement: Splitting of the Feminists in Thailand

In order to understand how trafficking has been framed by nonstate actors, it is necessary to explore the dynamics of the women's rights movement in Thailand, with particular emphasis on how the women's movement framed the "problem" of prostitution. Their goal was to raise this issue on the public agenda so that the Thai media and society in the 1980s and 1990s would pay attention. In many ways the anti-trafficking movement benefited from the ground work laid by a generation of activists whose views on prostitution dominated the agenda.

The views of those who considered themselves part of the "women's human rights movement" in Thailand have reflected the views of those in the international women's human rights movement, especially with regard to prostitution. However, the categorizations are switched. The "human rights" feminists in Thailand (known as the "radical" feminists in the West) argue that women who sell their bodies for sex

²⁰⁶ Christina Arnold and Andrea M. Bertone, "Addressing the Sex Trade in Thailand: Some Lessons Learned from NGOs, Part I," *Gender Issues* (Winter 2002): 26-52.

are being exploited, and legalizing prostitution will turn pimps into entrepreneurs.²⁰⁷

Among the Thai human rights feminists, two considerations are apparent. First, Thai feminists / women's studies academics must be concerned with the praxis/ theory balance. Some feminists worry that there has been too much theorizing and not enough action, a particularly important issue in developing countries. Amara Pongsapich, an anthropologist at Chulalongkorn University in Bangkok, avows that:

Thai feminists are not very keen to be involved in discussion on ideology and philosophy, or even the concept of feminism. They are willing to get to action after agreeing with the rationale of the activities. Theoretical explanation has second priority to praxis.²⁰⁸

Second, in Thai discourse, there has been conflict between decriminalization of "prostituted women" and decriminalization of prostitution as an industry. The former perceives that prostituted women are "victimized, exploited, violated" and therefore, should not be punished, and the latter is about the acceptance of prostitution as work.²⁰⁹

²⁰⁷ Virada Somsawasdi. "Legalization of Prostitution in Thailand: A Challenge to Feminism and Societal Conscience." Cornell Law School Berger International Speaker Series. Paper 2. 2004.

²⁰⁸ Amara Pongsapich, "Feminism Theories and Praxis: Women's Social Movement in Thailand" in Virada Somsawasdi and Sally Theobald eds. *Women, Gender Relations and Development in Thai Society*, (Chiang Mai: Chiang Mai University, 1997), 34.

²⁰⁹ Somsawasdi. "Legalization of Prostitution in Thailand: A Challenge to Feminism and Societal Conscience," 4.

Virada Somswadi, a pioneering academic who established one of the first Women's Studies departments in Thailand at Chiang Mai University and who would be considered a Thai "human rights" feminist, argues:

[o]ne has to accept the fact that prostituted women are used, abused and violated of human dignity in one form or the other. Their role relieves men of responsibility for their sexual behavior. They are lured, forced and, under male hegemony, are misinformed and thus trafficked into prostitution. They are not criminals but those who lead them into the vicious circle are. It is hence out of the question that prostituted women should be stigmatized, registered and categorized as "legal prostitutes" or by the mischievous term of "employees" of brothels or establishments under dubious names.²¹⁰

Early Thai feminist campaigns tended to reinforce biases against "prostitute women,"²¹¹ portraying them as women who needed to be rescued and reformed rather than empowered agents in their own right. Some organizations identified themselves as "grassroots organizations," however, they operated far from "grassroots" women. The early feminist groups organizing against trafficking viewed prostitution as the product of economic globalization and the "increasing dependence of Thailand on the

²¹⁰ Ibid., 6.

²¹¹ Women involved in prostitution can be called a variety of names. "Prostituted" women denotes that an action is being taken against them, and "prostitute" women denotes "there is nothing essential about them... and the identities and modifiers given to them are...historical constructions imposed through power." (Jeffrey, *Sex and Borders*, xi.)

tourist industry as well as on women's lower status and sexual exploitation within a male dominated society.”²¹²

The recognition of prostitution as a problem affecting Thai women during Thailand's economic development boom in the 1980s was embraced by a middle class of women who had a stake in protecting the image of Thai women, as well as their own position in society. The appeal to address prostitution was taken up by non-prostitute, middle-class, and elite organizations in the 1980s that focused on the victimization of women in prostitution and trafficking rather than on their rights as sex workers, as such. Such organizations worked within the narrow confines of the political system in the 1980s. “Within this context, the ability of elite women's activism to appeal to the maintenance of tradition while promoting development enabled them to achieve a strong voice on prostitution policy.”²¹³

The working conditions of Thai prostitute women in the sex industry in Thailand were very difficult in the 1980s. Women in bars and brothels handed over approximately half of their earnings to bar owners. Thai women prostitutes attempted to establish a voice in order to promote the protection of their own rights within the sex industry. Their attempts were put down many times. Jeffrey (2002) writes:

Prostitute women were by no means passive victims in this process, but their attempts to organize were quickly put down by the anti-labour government and were discouraged by those around them. Many prostitutes who tried to be vocal in the 1970s were crushed. Siraporn [Skrobanek] argues that “rape as well as other forms of

²¹² Jeffrey, *Sex and Borders*, 80.

²¹³ Ibid., 79.

sexual harassment were employed to suppress the struggle of female labourers.”

Female labourers who tried to organize in the 1980s were also put down.²¹⁴

In addition to Thai prostitute women working in Thailand, Thai women migrated specifically to work in the sex industries in Western European countries, as well as to respond to the mail order bride industry in the early 1980s. Skrobanek (2006) argues that the “international migration of Thai women later-on transformed into the lucrative business of trafficking in women for the purpose of sexual exploitation.”²¹⁵ Thai prostitute women were intimately connected to the “world system of the capitalist patriarchy.”²¹⁶ Skrobanek and a few other women feminists formed the Women’s Information Centre (WIC) in order to raise awareness among women of the possible dangers of accepting work in other countries. The WIC was integrated into the FFW in the 1980s. The FFW focuses on “issues of women’s labour, prostitution, and violence against women.”²¹⁷ Counter to Skrobanek’s feminism that espoused the belief that women in prostitution were not simply victims, early Thai activism viewed prostitution as “inherently wrong” and “something no woman could possibly choose freely.” Openly accepting the agency of prostitute women went against the grain in Thai society, and therefore the “victimist approach” was more acceptable within the Thai political climate of the time.²¹⁸

²¹⁴ Ibid.

²¹⁵ Skrobanek, “Human Trafficking: From Vertical to Horizontal Journey.”

²¹⁶ Jeffrey, *Sex and Borders*, 80.

²¹⁷ Ibid., 83.

²¹⁸ Ibid.

Jeffrey (2002) provides an interesting analysis of the development of how the Thai middle class conceptualized prostitution *vis à vis* the Thai society. She argues that prostitution policy has been guided by the desire of the Thai middle class to balance the perception of Thailand as a modern state while maintaining a traditional nation. In other words, prostitution policy has sought to discipline women, to regulate women's bodies, and to see that they occupy the "correct" roles.²¹⁹ However, Virada acknowledged that the women's movement in Thailand – that is, the effort to have mainstream Thais believe that prostitution is inherently harmful to all women – had not been successful.²²⁰ Virada argues that the organizations supporting the legalization of adult prostitution have undermined the women's human rights movement over the long run. The leaders of the legalization movement have been stronger than the women's human rights movement by being more vocal in the media and receiving support from other sectors such as labor rights and migrants' rights groups.²²¹

Thailand does have large and visible sex industry, and many young women do enter the sex industry willingly, for a short period of time, to earn a living. Many in Thailand now make the distinction between forced and voluntary prostitution, and only forced prostitution is considered trafficking. One feminist camp, represented by Siriporn of FFW, which views prostitution as something needing to be regulated or

²¹⁹ Ibid., x.

²²⁰ Virada Somswadi, Chiang Mai University, interview with the author, Chiang Mai, Thailand, June 15, 2006.

²²¹ Ibid.

decriminalized, has gained a dominant voice. The major point that these activists and organizations are making is that if women are choosing to be involved in prostitution, organizations should support them, either by providing them the tools to protect themselves while they are working, or offer them alternative opportunities that would allow them to make other choices.

To avoid the disagreement of whether prostitution is inherently exploitive or should be seen as a form of work, a significant number of NGOs have chosen to focus on child prostitution and child labor exploitation in the Thai context. The prostitution of children is seen as much more egregious, and international norms dictate that prostitution of minors is a serious offense.²²² A widely held perception both in Thailand and codified in international law is that anyone under the age of 18 does not have the ability to *choose* to be involved in prostitution.²²³

These organizations have been the most successful in advocating their position in the Thai context. Few people in Thailand disagree about the necessity to eradicate prostitution of minors, and organizations that have chosen to advocate this particular frame have been the organizations that have enjoyed the greatest financial and political support. Framing trafficking as child prostitution has had the most success with mobilizing funding from international donors and political will from the Thai government. International researchers²²⁴ who have spent much time in Thailand,

²²² United Nations, Office of the High Commissioner for Human Rights, *Convention on the Rights of the Child* (of which Thailand is a party).

²²³ Some activists, especially in Northern Thailand, admit that the prostitution of 17-year-olds is a type of “soft prostitution” and even though they are under 18-years-old, they are of an age where their agency is stronger than younger children.

²²⁴ Simon Baker, UNESCO HIV/AIDS Unit, interview with author, July 16, 2006.

as well as activists working in Thai NGOs, such as Sudarat, agree that Thailand has been successful in addressing the problem of child prostitution of Thai children over the last decade. Sudarat argues that when doing this kind of work, no one will say no to helping children.²²⁵ Focusing on children is a way to skirt the debate about the relationship between prostitution and exploitation/trafficking of adult women.

Anti-Human Trafficking Advocacy Networks: Framing and Agenda-Setting in Thailand

Thai nonstate actors – practice-driven, independently-minded, domestic and international organizations – are the driving force behind Thailand’s efforts to combat human trafficking. Thai-based nonstate actors have been at the forefront of domestic and transnational advocacy networks for nearly three decades. Thailand’s political history has been marked by a series of military coups, the last of which was in September 2006, and Thailand has made a slow transition to democracy. The Thai civil society sector has been described as relatively weak by some academic scholars.²²⁶ However, on human trafficking and related issues, NGOs have enjoyed relatively open political space, especially during the last decade.

²²⁵ Sudarat Sereewat, FACE, personal communication with author.

²²⁶ See Robert B. Albritton & Thawilwadee Bureekul. “Civil Society and the Consolidation of Democracy in Thailand.” Working Paper Series: No. 4. *A Comparative Survey of Democracy, Governance and Development*. Asian Barometer Project Office, Taipei, 2002.

Thai NGOs have been at the forefront of issue framing in Thailand. Trafficking is framed in multiple ways by overlapping networks of Thai and international nonstate actors. These frames represent the areas where Thai and international activists, advocates and government representatives agree and disagree. Whereas a distinct domestic anti-trafficking network exists in Thailand, the involvement of international organizations in combating trafficking is tightly interwoven in this movement. The efforts to frame trafficking in Thailand have been particularly important to getting human trafficking on the institutional agenda *as well as keeping it there*. How trafficking is framed is significant because it impacts the way organizations and the government address the issue, and the activities undertaken to combat it.

Thai Activist Involvement in Transnational Advocacy Networks

In order to understand what the current dimensions are of the anti-trafficking activities in Thailand, it is helpful to look at some of the events that happened before 2000 as well as the organizations that formed and what their activities were.

Sudarat Sereewat and Siriporn Skrobaneck became involved with Western European activists such as the Dutch organization Foundation Against Trafficking in Women (STV) as a reaction to Thai and other Asian women exploited in the sex industries of Western Europe. Later, Sudarat spearheaded the research project, and with help from Thai organizations she researched the ill effects of tourism in Thailand, such as child sex tourism being practiced by European, Australian, and

North American men in Thailand in the 1970s and 1980s. Some of the seeds of sex tourism were sown when Thailand signed a treaty with the United States in 1967 making Thailand a place of “rest and recreation” for American soldiers during the Vietnam War.²²⁷ This created an economic boom, with tourism becoming Thailand’s main source of foreign capital. At the end of the war, there was a need to keep this industry going. Massage parlors opening up around military bases in the U.S. expanded after the Vietnam War ended because of returning military troops looking for sexual services they had received and had become accustomed to in Southeast Asia. Whereas this is not the only reason why Thailand has a vibrant sex industry, it is one of the major reasons. A domestic sex industry had been developing previous to this period, and the Thai government recognized that the conditions were ripe to exploit the situation for Thailand’s economic gain.²²⁸

In the late 1980s and early 1990s, activists in Asian countries such as Thailand and the Philippines began campaigning against sex tourism by Westerners in their countries, as well as campaigning about violence against women. It became apparent to these activists and NGOs that a negative side of tourism was the sexual exploitation of children in particular. NGOs in Thailand such as FFW began reaching out to NGOs in Europe such as STV (founded in 1987) in order to collaborate to prevent child sex tourism in Asia by Western men.²²⁹ The development of ECTWT

²²⁷ Jody Miller, “Sex Tourism in Southeast Asia,” in *Deviant Behavior*, ed. A. Thio and T. Calhoun (New York: HarperCollins, 1995), 279.

²²⁸ C.D. Bryant and C. Palmer, “Massage Parlors and Hand Whores: Some Sociological Observations,” *Journal of Sex Research* 11 (1975): 227-241.

²²⁹ Andrea M. Bertone, “Transnational Activism to Combat Trafficking in Persons,” *Brown Journal of World Affairs* 10, no. 2 (2004): 13.

and their report entitled “Caught in Modern Slavery: Tourism and Child Prostitution in Asia” was significant for several reasons. First, although there were Westerners involved, it was a coalition originating in Asia and addressing a problem in Asia partially caused by Westerners. Second, governmental and nongovernmental representatives were collaborating with one another about how to address this issue. Third, they were addressing an issue about which few people could dissent, child sexual abuse. This research and conference networking in the early 1990s were precursors to later coalitions and networks on trafficking and related issues, specifically in Asia.

As Sudarat was the first Secretary General for ECPAT, she wanted the attention of ECPAT on monitoring cases of child prostitution in Thailand. However, the founding members felt that the role for ECPAT should be broader. Sudarat founded a new organization called FACE in 1995 to monitor the cases of pedophiles arrested in Thailand, while still linking with the international groups in the countries of origin of those pedophiles.²³⁰ Sudarat has played an integral role in the anti-trafficking movement in Thailand for nearly three decades. One of FACE’s goals was to facilitate the strengthening of the Thai legal/justice mechanisms through cooperation with nongovernmental entities. In her effort to monitor cases, Sudarat would visit police stations around the country to collect data on the child prostitution cases they were working on. At the time, it was quite unheard of for an NGO activist to do this. Saisuree facilitated Sudarat’s work by providing her a letter from the Thai government giving Sudarat permission to go into the police stations to collect this

²³⁰ Fight Against Child Exploitation, *Brief Profile of FACE*.

information. Some police stations complied and others ignored her requests.

However, Sudarat persevered until she became a respected force in the anti-child prostitution and anti-child sex tourism activities in Thailand.

GAATW was formed at an International Workshop on Migration and Traffic in Women in Thailand in October 1994 hosted by FFW. GAATW is an alliance of feminist organizations that coordinates research and action against trafficking in women. One of the objectives of GAATW is to improve practical support and advocacy work at all levels. During 1996-1998, GAATW coordinated training workshops for NGOs working with trafficked women in Burma, Cambodia, Indonesia, Malaysia, Philippines, Thailand and Vietnam. The aim of the workshops was to adopt a human rights framework while providing practical support to trafficked women and children.²³¹ GAATW was a member of the advocacy network that supported a distinction made in international law between prostitution and trafficking. After the UN Protocol was decided upon, GAATW spent a great deal of time using its networks to advocate to governments to ratify the Protocol.²³²

²³¹ Global Alliance Against Traffic in Women, *Human Rights in Practice. A Guide to Assist Trafficked Women and Children*.

²³² During field interviews in 2006, a representative from GAATW in Bangkok lamented that GAATW had spent too long advocating for ratification of the UN Protocol after 2000. Recently, GAATW has had to reassess their goals and activities as primarily an advocacy organization because there has been a decline in the interest of organizations for their governments to ratify the UN Protocol.

Early Efforts of Cooperation between Thai Nonstate Actors, International Organizations, and the Thai Government

In 1991, the director of an international NGO, Association François Xavier Bagnoud (FXB), alerted Saisuree Chutikul, at the time the head of the National Youth Bureau, to the fact that there were 150 girls from Burma who had been trafficked from Burma to Ranong Province, Thailand for sexual purposes.²³³ As a Cabinet Minister, she was able to use her influence to get the girls removed from the brothel and placed in protective care at Baan Kred Trakarn.²³⁴ The Burmese Ambassador to Thailand in Bangkok was approached by Saisuree and requested to facilitate the return by identifying the girls' hometown and by ensuring the safety, protection and care of the girls once they returned.²³⁵ The Director-General of the Public Welfare Department of Burma personally came to the border in Chiang Rai to receive the girls. Reintegration assistance was provided by FXB.²³⁶

At the time, trafficking was not on the Thai government's radar screen. Saisuree encouraged the social workers at the government-run shelter to hire interpreters to listen to these girls' stories, and they learned a great deal about a whole criminal system.²³⁷ Because there had not been any prior mechanisms in place for the

²³³ Ranong is located in the southern area of Thailand on the border with the southern most tip of Burma.

²³⁴ Baan Kred Trakarn is the largest government-run women's and children's shelter in Thailand located outside of Bangkok.

²³⁵ Saisuree Chutikul, interview with the author, Bangkok, Thailand, July 5, 2006.

²³⁶ Saisuree Chutikul and Phil Marshall, *Summary Thailand Country Report on Combating Trafficking in Persons* (Bangkok: Office of the Permanent Secretary, Office of the Prime Minister, Ministry of Social Development and Human Security, August 2004), 5.

²³⁷ Saisuree Chutikul, interview with the author, Bangkok, Thailand, July 5, 2006.

raid as well as for the bi-lateral cooperation on forced prostitution, getting the girls back to Burma needed political goodwill and good intentions. However, it was the intention of Saisuree²³⁸ and others that the next time this happened, there would be a firmer protocol in place to address this horrible problem. The events in Ranong gave birth to the idea of creating domestic Memoranda of Understanding on how to coordinate among government and NGOs.²³⁹ Interestingly, Saisuree promoted this path because of the difficulty of passing laws in Thailand.

After leaving the Prime Minister's Cabinet, Saisuree became advisor to the Office of the National Commission for Women's Affairs (ONCWA) during which time she proposed the establishment of, and chaired, a subcommittee of ONCWA called the National Committee to Combat Prostitution (the National Committee) in 1994. The primary objective of the National Committee was to begin putting in place structural mechanisms to combat child prostitution and raise awareness about the dangers of prostitution (albeit dangers to women and children, not to men engaging in prostitution). It was during this time that the development of a national plan of action began to take shape and a conscious effort to raise awareness about the dangers of prostitution was undertaken through a mass media campaign. With funding support from the Danish government, a scholarship program was established, and the media

²³⁸ Saisuree still mentions this experience in most speeches and interviews she conducts. This was one of the major events that launched Saisuree's work to bring about institutional changes in Thailand, beginning with the eventual passage in 1997 of Measures against Trafficking in Women and Children. FXB also recognized that this event was critical to laying the framework for Thai legislation to control the practices of forced and abusive prostitution.

²³⁹ Saisuree Chutikul, interview with the author, Bangkok, Thailand, July 5, 2006.

campaign was launched, targeting vulnerable groups through the use of print and television media, schools, community groups, panel discussions, and the distribution of leaflets and posters.²⁴⁰ Again, this campaign primarily targeted women to discourage them from entering into prostitution, and did not target men who visited prostitutes.

The events in Ranong set in motion a great deal of government activity, spearheaded by Saisuree, as well as unprecedented cooperation between the Thai government and Thai nonstate actors. For example, several Thai government Ministries became involved on various levels: Ministry of Interior (the Royal Thai Police was under the Ministry of Interior at the time), the Ministry of Public Health, the Ministry of Education, the Ministry of Foreign Affairs, the Bangkok Metropolitan Administration, the Ministry of Justice, the Office of the Attorney-General, the Ministry of Labour and Social Welfare. These events also created the space and opportunity for NGOs to continue their work of protection as well as advocacy. Simultaneously, two NGO networks against trafficking were formed in Thailand in an effort to exchange information, coordinate assistance and push for systematic collaboration among NGOs and with related government agencies on issues dealing with women and children: A women's network called "Network for Prevention and Solution of Trafficking in Women and Children" and a children's network called "Thai Coordinating Committee for Migrant Children (Thai-Cord)." These two

²⁴⁰ United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP), *Combating Human Trafficking in Asia: A Resource Guide to International and Legal Instruments, Political Commitments and Recommended Practices* (Bangkok: United Nations Economic and Social Commission for Asia and the Pacific, December 2003), 178 – 188. Available at: <http://www.unescap.org/esid/GAD/Publication/Trafficking-File2.pdf>.

networks consisted of women's and children's NGOs whose work involved assistance to trafficking victims. The primary catalysts for these two networks were Siriporn's FFW and the National Council for Child and Youth Development.²⁴¹

NGOs saw more value in cooperating with the government than battling with them. In many ways the NGOs have been very patient with the government, enduring a slow, but steady, government response. It also became necessary for NGOs to pick up the pieces where the government could not, as well as continue to engage the Thai government in order to ensure policy to back up the developing norms on protecting children from prostitution and rescuing children from sexually exploitive situations. The point of this historical background is to show that the roots of Thai networking with the Thai government and other foreign organizations can be traced to the early 1980s, and the development of a preliminary advocacy network that was not based on the need to change the Thai government's actions, per se, but the actions of Western governments. This is crucial to the understanding of later relationships among the actors in the TAN between Thailand and the United States.

*Domestic Advocacy Networks in Thailand*²⁴²

There are consequences of the splitting of the women's rights movement in Thailand. As Virada argues, the women's human rights movement was more successful in setting the public agenda; however, they have not triumphed in the

²⁴¹ UNESCAP, *Combating Human Trafficking in Asia*.

²⁴² Credit is given to Phil Robertson, independent consultant in Thailand, for suggesting the conceptualization of the two advocacy networks of prevention and protection.

institutional agenda-setting arena with regard to trafficking. Thai efforts to address trafficking have slowly developed into two fairly distinct advocacy networks, with some overlap. These advocacy networks reflect approximately the split in the Thai feminist movement. One advocacy network focuses on *prevention of trafficking*. In this group, nonstate actors such as GAATW, FFW, Shan Women's Action Network (SWAN), Empower, and Pattanarak are primarily interested in the policy reforms necessary to prevent trafficking through the legalization of prostitution, the strengthening of migrants' rights, and the prosecution of factory owners who abuse migrants. These are the same organizations who Virada thinks undermined the women's rights movement. Another advocacy network focuses on *protection of victims*. In this group, nonstate actors such as FACE, CPRC, TRAFCORD, International Organization for Migration (IOM), The Asia Foundation, World Vision, and New Life Center for example are primarily focused on addressing trafficking *after* it has happened. That means that these organizations are focused on the provision of services to "victims" of human trafficking, i.e. women and girls in prostitution.

Another way to distinguish these two advocacy networks is to look at the debate in Thailand about how to define trafficking: as a problem of "process" or a problem that arises at the "destination." If trafficking is identified as a problem of process, then the focus will be on the coerced movement of individuals from one place to another (usually across international borders). In other words, the assumption is that individuals are "duped" or coerced into moving from one place to another

when they accept a job that turns out to be quite different from what was promised by a recruiter, for example.

On the other hand, if trafficking is identified as a problem of abusive and/or exploitive employment situations, then the focus will be on the employers and the sites of employment such as sweatshops, factories or brothels. In other words, the assumption is that individuals migrate voluntarily into Thailand; however, their labor or bodies are more likely to be exploited by employers because of their illegal status or because they don't speak Thai.

“Protection” Advocacy Network

The dominant frame in this advocacy network is how to protect victims of trafficking. Nonstate actors such as FACE, CPCR, TRAFCORD, Chiang Mai Center for the Protection of Children's Rights (CCPCR), and New Life Center, IJM, and IOM are interested primarily in addressing the situation of children in prostitution and the activities necessary to undertake for a person after they have been trafficked. These activities include sheltering victims, psychosocial services, training lawyers and judges to prosecute traffickers, and training police to recognize victims of trafficking. Those organizations are focused on the behavior of individuals, on the victim of trafficking. Organizations such as TRAFCORD and IJM are interested in removing victims from exploitation through police raids and other means of removal. CPCR and FACE also work to improve criminal justice procedures. IOM is focused on providing a means to return illegal migrants back to their home country. The Thai

government ministries such as the Ministry of Social Development and Human Security are involved in institutionalizing a response to providing services to victims through National Action Plans and domestic and bi-lateral Memoranda of Understanding.

Within this model, trafficking is framed as a situation of deception where poor, unsuspecting men, women and children are duped by traffickers. This model focuses primarily on the victim and all the services necessary to take care of a trafficking situation *after* it happens. This does not mean that those involved are not also interested in prevention; however, the prevention activities are implemented with different sensibilities. The micro level approach is embraced by NGO service providers for which the idea of children being sexually abused is an anathema.

These organizations view the Thai government as a natural partner, they recognize the corruption, but find the people that they can work with and focus on working with them. They are keenly aware of the corruption; however, they find those individuals who can be trusted, and try to set up mechanisms to reduce the amount of corruption surrounding the particular issue. The protection advocacy network has had the most success in setting the institutional agenda. Few people in Thailand disagree about the necessity to eradicate prostitution of minors. Framing trafficking as child prostitution has had the most success with mobilizing funding from international donors and political will from the Thai government.

Rescues have been controversial in Thailand because of the involvement of the International Justice Mission in Northern Thailand. However, the Thai police have been the ones responsible for undertaking rescues of victims of trafficking. As

the relationship between the NGOs and the police improved, due in large part to Sudarat's work over the past five years, NGOs would be able to be an integral part of the after care of the girls who were rescued from brothels. For example, TRAFCORD in Northern Thailand works closely with the police and raids will be done, if necessary. Raids of sweatshops and factories are also common occurrences.

An interesting perspective provided by GAATW and FACE is that they do not object to raiding brothels; however, the raids must be done very sensitively in order to do as little harm as possible to the people who are "rescued." Another perspective is that some women who are in difficult situations – sometimes in prostitution – do not necessarily feel like they want to stop being a prostitute but they would like to change the place where they work because it is exploitive. The point that GAATW and FFW make is that those who claim to want to help trafficked people must do so with the idea in mind that those who we think we are helping may not think they need help, or want the help. This is difficult for some abolitionist feminists to accept.

Once illegal immigrants are removed from what appears to be an exploitive situation, there is still the necessity of identifying whether a person is a "victim." Better methods for identifying exploited migrants among detained illegal migrants were adopted in 2004. For example, illegal migrants (mostly women and children) who are taken to the Immigration Detention Center in Bangkok are interviewed at least three times: one time by immigration officials, one time by the NGOs in the IDC (FFW and Mary Knoll Catholic nuns) and one time jointly by the immigration officials and the NGOs.²⁴³ Usually they will have a feeling after three interviews if

²⁴³ Prawit Sirithon, Immigration Detention Center, interview with the author, Bangkok, Thailand, July 21, 2006.

this person has been abused or exploited in some way, though often people do not feel comfortable telling the details of their exploitation, and therefore it is difficult to obtain all of the facts. If there is an agreement among the NGOs and the immigration officials that the person has experienced some kind of abuse or exploitation, the person will be transferred immediately to Baan Kred Trakarn, the government-run shelter in Bangkok.

There is a problem of identifying whose responsibility it is to take care of trafficking victims between the Ministry of Social Development and Human Security (MSDHS) and the police, and the problem is particularly acute outside of Bangkok. This is where an international organization such as the International Organization for Migration has stepped in to facilitate the service provision for victims in Thailand.²⁴⁴ The government claims that “comprehensive operational plans have also been drawn up to prevent and deal with sex industry problems with clear direction in aspects of prevention, suppression, assistance, protection, rehabilitation, return to the society and management.” NGOs are working closely with the government in order to coordinate these activities.²⁴⁵

The Thai government says that it is setting up 93 temporary shelters and 6 welfare homes to provide assistance to both Thai and foreign victims of trafficking.

²⁴⁴ Philip Robertson Jr., “Screening for Trafficking Victims,” presentation at Chiang Mai, Thailand (October 1, 2004).

²⁴⁵ United Nations Congress on Crime Prevention and Criminal Justice, *Thailand Country Report*. The government argues that “these efforts highlight Thailand’s commitment to solving such problems. The NGOs it cites that it is working with are DEPDC, FCD, and FACE, and CPR.” However, in reality government ministries would be hard pressed to provide services to victims without the help of the NGOs.

Baan Kred is one of the welfare homes. Services provided to trafficked women and children by the government include basic necessities, education, vocational training, physical recovery, telephone counseling. All victims are considered and treated as victims, not criminals.

Within the human rights framework of combating human trafficking, most agree that in order to be able to collect enough evidence to prosecute the perpetrator, authorities must treat victims respectfully, provide safe and nurturing environments within which they can recover, and treat them with dignity. In the interest of prosecuting men who had sexually abused children, Thai authorities and NGOs realized that they needed more child friendly procedures for investigations. The Criminal Procedure Amendment Act (1999) attempts to make the Criminal Procedure Code more child friendly. Before the act, child victims of sexual abuse had to go through repeated traumatic experiences giving accounts to several authorities in the process of investigation, inquiry and trial. In the revised form, a videotape recording can be used to take the statement of the child victim or witness in order to prevent the child from repeated victimizations.

Although the Criminal Procedure Amendment was enacted in 1999, it took a few years for those who were responsible for its implementation to know about it and begin making it happen. In 2002, TRAFCORD had just finished building a room in a shelter that had been funded by the U.S. and British Embassies in Thailand. The room was an interview room for children, and it had a couch and teddy bears, and a video camera mounted on the ceiling. There was also a two-way mirror; on the other side was a control room where the interviews were videotaped. The social workers and

activists at the time who took us to see this room were very proud of the fact that they had this state-of-the-art equipment in order to respect the rights of the children who had been traumatized and to ensure that they would not be re-traumatized. One of the challenges of the prosecutors was to get the judges to accept this evidence in court, thus the need for greater training of judges to know what the laws of Thailand are.²⁴⁶

The Thai government is generally very proud of its ability to provide shelter to victims of trafficking. Most of the rehabilitation is taking place in government-run shelters such as Baan Kred Trakarn, the largest government run shelter in Bangkok that can house hundreds of victims. The social workers at the shelters are very well meaning; however, the girls and women have few choices once they get to the shelter. They are likely to stay three to six months or longer at the shelter. The activities they are offered at the shelter are Thai dance, hairdressing and basket weaving. For foreign victims found in Thailand, Thai social workers ensure that when victims are being repatriated that they will have a safe place to return to, but that is the extent of the involvement of Thai authorities in the reintegration in other countries. Often the responsibilities of reintegration are assumed by NGOs or INGOs in other countries. For example, if Burmese victims of trafficking (usually girls and women) are repatriated to Burma, organizations such as World Vision and IOM are responsible for their reintegration.

As for Thai women who have been trafficked to other countries and are repatriated back to Thailand, the responsibilities for reintegration have been primarily with organizations such as the Foundation for Women and GAATW. However, the

²⁴⁶ Author visit to Baan Ping Jai shelter in Northern Thailand, June 2002.

Ministry of Social Development and Human Security has declared as a priority to provide services to Thai women returning to Thailand.

FACE has worked closely with the Thai government to monitor trafficking cases. They have successfully used the Money Laundering Act, as well as other aspects of the Penal Code to bring legal suits against trafficking. However, one area that Thailand has lagged behind on is in bringing criminal cases against traffickers. There are many reasons for this. The first is that there are not enough trained attorneys to take these cases. Second, when factories are raided, for example, the owners are rarely prosecuted because of their connections with other local leaders. Therefore, corruption plays a role in preventing trafficking prosecutions. Third, judges need to be better trained to understand the laws available to be used to prosecute traffickers. All of these reasons are serious obstacles to combating trafficking through the law enforcement approach.

For years, Sudarat has advocated for a way to monitor trafficking and child exploitation cases in Thailand. Her efforts have been hampered by the fact that there was not a central police unit to deal with these issues. The police throughout the country had no way of communicating with one another. Often they refused to abide by policies or Memoranda of Understanding (MOUs); they argued that these were not laws and they did not have to obey MOUs. Then Sudarat received a special letter that allowed her to go into any police station in Thailand and request information about certain cases. Finally, the Italian government via UNICRI and ECPAT International funded a project whereby a Thai government official and FACE would cooperate to

create a database to help collect information about cases from police, prosecutors, judges, social workers in order to track the progress of cases.²⁴⁷

Sub-Issue Networks

Although trafficking for sexual exploitation takes place all over Thailand, the problems in Northern Thailand have been particularly acute. The geographic area where Thailand, Burma, and Lao PDR border each other, otherwise known as the Golden Triangle, has a notorious reputation for the transport and trafficking of illegal drugs and arms, stolen antiquities, precious stones, and unfortunately, people. There is also a great deal of irregular migration across the borders for other trade-related reasons. This movement of people reflects the fact that for hundreds of years people have moved back and forth across these borders, caring little about international, political boundaries or identification cards, and following better economic or political conditions. Today, better conditions are perceived to be in Thailand.

Girls and women are primarily trafficked within or into Northern Thailand for the sex industry – a wide and varied industry. The sex industry has been changing from the bars, pubs, karaoke, and massage parlors to being run out of restaurants, guest houses, and coffee shops. Young women and children within Thailand and from Burma, Lao PDR, Southwestern China, and Cambodia are recruited to the sex industry by well-oiled criminal networks; agents working on behalf of brothels and other establishments target families experiencing economic hardship with the hope of

²⁴⁷ Alessia Altamura, ECPAT International, interview with author, Bangkok, Thailand, July 5, 2006.

recruiting new girls. Tanya McQueen reports from her discussions with the NGO DEPDC in Northern Thailand:

...once a family is targeted...agent[s] or middlemen, who may be well-respected members of the village, approach the parents of the child with offers of work. Cash incentives are offered and the parents sign a supposedly legal contract. The “contract” may specify the period of employment and the amount of debt plus interest the child must pay back. It can take years to pay off the debt as extra costs are often added, such as doctors visits, food, penalties for disobedience and interest. On reaching the destination many find that the reality is very different to what has been promised. Many believe that they are going to work as housemaids, in beauty salons, shops, bars or restaurants, but instead find themselves victims of gross human rights violations. They are imprisoned in brothels, forced to endure deplorable conditions and practices akin to slavery. They endure sexual, physical and mental abuse, forced to serve customers and endure dirty, overcrowded conditions. They also face a high risk of contracting HIV and other STIs, in addition to drugs and long term psychological problems.²⁴⁸

Foreign children trafficked into Thailand tend to be taken into the low grade brothels and into “establishments with close links to the sex industry including bars, restaurants and pubs, cafes, karaoke.” Boys and girls may wait on tables, but also may be asked to “keep the customer company.” The children may also be “rented by the

²⁴⁸ Tanya McQueen, “A Modern Form of Slavery: Trafficking and Child Prostitution in Northern Thailand,” *Child Workers in Asia*. CWA Newsletter, Vol. 15 , no. 2. May-Aug. 1999. Available at: http://www.cwa.tnet.co.th/Publications/Newsletters/vol15_2/v15_2_slavery.html (accessed December 3, 2006).

hour or the night....In guesthouses, hotels, and motels, young women are available to provide room service.” These establishments escape penalty because it appears that the children are doing legitimate work.²⁴⁹

What has made child prostitution so difficult to address is that the police, who need to be an important part of the local network to combat trafficking, themselves are either corrupt or have little political will to help on this issue. They say things like: “we cannot stop these networks because they are everywhere, like drugs—in the villages, within families, parents can be involved—everywhere.” Another police chief has stated, “I can not distinguish between girls who cross the border to sell eggs or sell sex.”²⁵⁰ As a result, trafficking has become a phenomenon that is embedded in the very fabric of people’s livelihoods.

Activities of Selected Organizations Focused on Protection

Nongovernmental actors in Thailand have been engaged directly and indirectly with the Thai government, and many view that a positive relationship with the government is the best way to make progress on this issue. These organizations are extremely savvy, and cooperate and coordinate regularly with international nongovernmental and government sectors. There are several IGOs involved in various aspects of combating human trafficking in Thailand. These IGOs are integral

²⁴⁹ Tanya McQueen, “A Modern Form of Slavery.”

²⁵⁰ Director of NGO in Northern Thailand, interview with Prevent Human Trafficking staff, Mae Sai, Thailand, July 2004.

members of the anti-trafficking community and are closely engaged with both the Thai government and Thai NGOs. Generally, they are seen as honest brokers, although sometimes this is not the case.

CPCR, founded in 1980, has been a leading advocate for children's rights and child protection in Thailand. It pioneered the multi-disciplinary team approach to providing care to children at risk for abuse, prostitution, and trafficking. They work closely with other Thai NGOs. In 1991, they began working with child abuse victims and prostitutes. Now CPCR provides social services to children who are at risk to being trafficked or have been trafficked and are in need of rehabilitation. CPCR coordinates closely with other Thai NGOs such as FACE, international NGOs such as The Asia Foundation (TAF) and (United Nations Children's Fund) UNICEF, and the Thai government (Ministry of Social Development and Human Security). They work on policy issues. For example, they are engaged closely with the Thai government on the implementation of the 2003 Child Protection Act. They have also been asked by Laotian government to come to Lao PDR and help set up a shelter.²⁵¹ They have been developing curriculum for training the government and nongovernmental sector on the Anti-Trafficking Law before it was passed. Two activities that CPCR hold to be very important to its goals are: multi-disciplinary teams and training social workers and public prosecutors on criminal procedures and interrogation of children under 18. Because of the development of Memoranda of Understanding at the regional level in Thailand, CPCR has been strengthening its domestic networks of organizations

²⁵¹ Wassana Kaonopharat, Center for the Protection of Children's Rights, interview with author, Bangkok, Thailand, June 26, 2006.

working on this issue in more rural provinces of Thailand. They also act as a facilitator between children's rights networks and the Thai government.

CCPCR has been one of the primary child protection centers in Northern Thailand. It is an integral part of TRAFCORD, the network to combat trafficking in Northern Thailand. TRAFCORD is a multi-disciplinary team of police, social workers, doctors, government bureaucrats, and civil society organizations. TRAFCORD was one of the first to implement the "Chiang Mai Model." This model represents a coordination and cooperation mechanism of governmental and nongovernmental actors in the pursuit to address several related social problems in Northern Thailand: child abuse and human trafficking, particularly child prostitution. TRAFCORD was established in 1998, and receives funding from UNICEF and the U.S. Embassy in Thailand. TRAFCORD has pioneered what has come to be known as the "Chiang Mai Model." This multi-disciplinary team of police, social workers, doctors, government bureaucrats, and civil society organizations has been hailed as a successful system of cooperation to address difficult social issues at the local level.²⁵² Because nearly 50 organizations are part of TRAFCORD it is very important to maintain a system of training for the NGOs and the police. The 2003 Memorandum of Understanding in Northern Thailand improved the strategy for TRAFCORD to work on trafficking procedures together.

The New Life Center (NLC) is a Christian shelter for "hill tribe" girls in Northern Thailand. Founded by two American missionaries in the early 1980s, it has been operating so long in Thailand, with the respect of many actors, that it has come

²⁵² The U.S. Department of Justice began funding taskforces at the local level in the U.S., facilitating a similar type of multi-disciplinary team.

to be considered a Thai NGO.²⁵³ The New Life Center works exclusively with ethnic hill tribe girls who have been abused, are at risk for being abused, or trafficked. The girls are able to live at the shelter, attend school and receive vocational training to gain valuable skills. In preparation for the 2003 Memorandum of Understanding in Northern Thailand, the New Life Center was the only foreign NGO to be invited to be a part of the negotiations. Besides one American woman who is at the head of the Center, the rest of the staff are members of Thailand's hill tribe minorities. NLC, like DEPDG, is known around Thailand and around the world to be a well-run shelter for girls at risk. NLC receives much funding from international donors. Since 2001, NLC has had 70 emergency cases, and 30 have been victims of human trafficking. Two out of the 30 were labor trafficking cases, the rest were sex trafficking. The cases were mostly referred from the Thai government. NLC reports that they have seen a drop in the numbers of human trafficking victims in the last two years because awareness-raising efforts have increased dramatically.

IOM is involved in capacity building, and a regional training program. IOM offers services of repatriation for foreign victims of trafficking who have been found in Thailand. They pay for the vans to transport individuals back to the Burmese, Laotian or Cambodian borders. They work in the International Detention Center to help provide services to victims who are first taken to the IDC, and then transported to the shelters. IOM, in addition to working very closely with the Thai government, also uses this position to advocate for improvements in policy implementation. For example, IOM advocates for a check list that law enforcement has to ask the right

²⁵³ TRAFCORD staff members, interviews with the author, Chiang Mai, Thailand, June 14, 2006.

questions of a possible victim of trafficking. IOM has also advocated for a change in policy on how long victims of trafficking stay in the shelters. In conversations with several internationals working in various capacities in Thailand, they expressed concern for the institutionalization of combating trafficking, or what they called, the “warehousing of victims.” While this is primarily a criticism of the Thai government, IOM is seen to be contributing to this phenomenon. IOM is also a facilitator by funding bi-lateral or regional meetings and conferences.

Protection Advocacy Network: Framing, Institutional Agenda-Setting and Policymaking

As mentioned above, public policy theories that attempt to explain the agenda-setting and policymaking processes have been far less often applied to non-Western countries. One of the main difficulties of applying Kingdon’s (1984)²⁵⁴ theories of agenda-setting to Thailand, for example, is because of the presence of international actors that have become integrated into the agenda-setting process. International actors complicate the agenda-setting because of the multiple layers of agendas and the necessity for Thai NGOs to maintain their position on the best way to address human trafficking and at the same time accept funding from international donors. This next section will explain the process that Thai NGOs and the Thai government have interacted on agenda-setting and the role that some international organizations have played in that process.

²⁵⁴ Kingdon, *Agendas, Alternatives, and Public Policies*, 1984.

Thailand's movement to combat human trafficking is intimately connected to the involvement of international actors working on human trafficking and other related issues in and outside of Thailand for decades. Some reasons for this are: Thai women are trafficked for prostitution out of Thailand; the phenomenon of sex tourism and child sex tourism in Thailand is facilitated by the presence of foreign men; and people from neighboring countries are trafficked into Thailand. In addition, Thailand has a popular choice for international organizations to set up development projects; therefore, a large international development community operates in Thailand. Various branches of the United Nations have strong ties in Thailand and operate with full invitation by the Thai government. Unlike U.S.-based nonstate actors who manage domestic trafficking problems without foreign influence, Thai NGOs have had to adapt their strategies within an environment of intense international involvement and sometimes international meddling. Remarkably, Thai NGOs have both navigated their national context with savvy, and have used international involvement in their country to their benefit.

Before 1960, the country adopted the legalization approach to prostitution by regulating brothels and registering women who worked as brothel prostitutes.

Thailand was not a State Party to the 1949 United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, yet followed the deliberation of this treaty by enacting a law on the prevention and suppression of prostitution in 1960. After 1960, brothels were illegal and women engaged in prostitution were arrested and sentenced to rehabilitation. Under this law, both women engaged in prostitution and owners of premises used for

prostitution were punished. Women would receive some kind of vocational training during a rehabilitation phase that often was considered by the women to be a form of imprisonment.²⁵⁵ The work on the part of the government specifically to combat trafficking in Thailand began to significantly evolve in the years following the intervention in Ranong and gave rise to the actions needed to revise two laws pertaining to prostitution and trafficking: The Prostitution Prevention and Suppression Act of 1960 and the Measures in Prevention and Suppression of Trafficking in Women and Children of 1928. The two laws went under review in the late 1980s to address trafficking of Thai nationals but, following the raid in Ranong, were broadened to address foreign victims of cross-border trafficking.

Under the Prostitution Prevention and Suppression Act of 1996, children or adults engaged in prostitution were viewed as victims of social and economic problems, rather than criminal offenders, and therefore would be provided social assistance instead of being punished. However, some women's groups still argue that, even though prostitution has been decriminalized, the rights of sex workers are not protected. This can lead to abuse of sex workers.

One of the consequences of the 1996 law was that, to a certain extent, child prostitution was pushed underground. However, it is generally agreed by most Thai and international activists, advocates, and researchers that the 1996 Act, along with other factors such as improved educational opportunities for girls, improved the Thai economy, and the general change in social norms against child prostitution, that child

²⁵⁵ Siriporn Skrobaneck, "Sexual Exploitation in the Prostitution Context," paper presented to the international Conference on Violence against Women organized by the Queen Sofia Centre, November 23-25, 2000 in Valencia, Spain. Reprinted in Foundation for Women, "Voices of Thai Women," no. 19 (December 2000): 12.

prostitution declined substantially in Thailand throughout the 1990s and first years of the 21st century.

While the new legislation was greeted with enthusiasm by international organizations that viewed prostitution itself as a human rights abuse to be prevented, a number of women's organizations quickly remarked on the failure to remove *all* penalties for prostitute women themselves. In the opinion of some women's organizations, it was the illegality of prostitution that led to abuse by police, clients, pimps, and procurers. As long as prostitutes were themselves penalized, women had no possibility for redress, having to remain out of the reach of the law. Actions taken by police and organizations to address the prostitution problem may have contributed to the continued abuse of prostitute women, and the overall understanding of women as "victims" in the trade may have contributed to patronizing and disempowering policies.²⁵⁶

The effort to link prostitution to trafficking in Thailand is intimately connected to Thailand's efforts to modernize and be seen as responsive to international norms against social ills. Thailand's political reform in 1997 resulted in the new Constitution incorporating a rights-based approach for children and created a solid political foundation for which the effort to combat child prostitution and trafficking could be addressed. A year after Thailand enacted the 1996 Prostitution Act, Thailand enacted the 1997 Measures in Prevention and Suppression of

²⁵⁶ Jeffrey, *Sex and Borders*, xiv-xv.

Trafficking in Women and Children in order to replace the 1928 law against trafficking of women and girls, and also to act as a supplement for the 1996 Act.²⁵⁷

Until very recently, trafficking has been framed primarily as a problem of prostitution of women and children in Thailand by domestic Thai NGOs and the Thai government; thus, the 1997 Measures in Prevention and Suppression of Trafficking in Women and Children framed trafficking as a problem of prostitution of women and children. In the early years of mobilization in Thailand on prostitution, women and girl children were lumped together when discussing prostitution and forced prostitution. Prostitute women's agency had to be removed so that political will to address trafficking/prostitution could be garnered. As Jeffrey (2002) argues, Thai middle-class women were largely responsible for removing women's agency to make the issue more socially palatable to discuss openly.²⁵⁸

One former government minister said of the 1997 Measures in Prevention and Suppression of Trafficking in Women and Children Act that they were crafted by NGOs, and pushed through Thailand's Cabinet in a matter of months.²⁵⁹ Although the Measures did not protect trafficked *men*, they were nonetheless progressive for any country at the time. Unfortunately, according to the same former government Minister, and another report by Human Rights Watch, the Measures were passed but never truly implemented, and went unenforced for many years. Human Rights Watch

²⁵⁷ Additional information about Thai laws relevant to trafficking can be found in the Appendix.

²⁵⁸ Jeffrey, *Sex and Borders*.

²⁵⁹ Former minister of the Thai Parliament, interview with the author, Bangkok, Thailand, June 8, 2006.

found that many law enforcement officials, in fact, were unaware that the new law existed. In April 1999, two years after the revised Trafficking Act had been enacted, a high-ranking police officer in one of the provinces in northern Thailand – where trafficking in women and girls from neighboring countries into Thailand is a significant problem – insisted to Human Rights Watch that no such law existed. Activists involved in encouraging the investigation and prosecution of trafficking abuses in Thailand explained that they often found themselves instructing police about the content of the revised legislation.²⁶⁰ It was likely a combination of the fact that the government knew about the damaging report by Human Rights Watch about the lack of implementation of the 1997 law, and knowing on their own that there was a problem with implementation, that the Thai government produced a document on June 30, 1999 with detailed instructions regarding the implementation of trafficking legislation.²⁶¹

“Prevention” Advocacy Network

The dominant frame in this advocacy network is how to prevent the exploitation of migrants in Thailand. Nonstate actors such as GAATW, FFW, Migrant Assistance Program (MAP), and EMPOWER are primarily interested in the policy reforms necessary to prevent trafficking through the legalization of prostitution, the strengthening of migrants’ rights, and the prosecution of factory

²⁶⁰ Human Rights Watch, “Owed Justice.”

²⁶¹ Ibid.

owners who abuse migrants. Generally, migrants are assumed to be rational individuals who end up in exploitive circumstances because of the lack of a legal status, and because Thai policies that are generally not favorable to the protection of migrants in general, especially illegal migrants. Particularly with regard to migrant women, trafficking is one of a panoply of abuses these women (and men) suffer. Women who migrate to Thailand specifically for prostitution, and who find themselves in abusive situations, do not necessarily want to stop being prostitutes, but they want a better situation of work.²⁶² There is wide agreement among international organizations that much of the trafficking in Thailand is for labor exploitation; however, that does not discount at all the importance of the serious issue of sexual exploitation, especially of minors. Many organizations argue that exploitative working conditions of migrants and worker enslavement should be the primary target of interventions of funders rather than the means of movement of migrants.²⁶³

The prevention advocacy network is focused on the way that political structures affect human rights and human security. These structures include the labor of migrants and others; the employment contracts; conditions of work; registration of migrant workers; workers organizing themselves; migrants' access to health care; and migrants' access to education.

The organizations working within this framework have for the most part (but not entirely) remained outside of the mainstream trafficking discussions in Thailand.

²⁶² Activist in Thai-based international organization, interview with author, Bangkok, July 2006.

²⁶³ Strategic Information Response Network, United Nations Inter-Agency Project on Human Trafficking (UNIAP), *Phase III, The State of Counter-Trafficking: A Tool for Donors* (Bangkok: February 2008).

They tend to see a broader, more complex set of circumstances surrounding the issue of trafficking and many believe that “trafficking” is too narrowly conceptualized.²⁶⁴ They also see the behavior of the structures such as immigration policies that play a role in improving or making worse the life of a migrant. Their focus is on labor, contracts, conditions of work, registration of migrants, workers organizing themselves, access to health care, and access to education for migrants. This macro-level approach is embraced by those NGOs and international organizations for which larger processes of migration are intimately connected to why people are exploited. These organizations are focused on migrant populations, and safe migration options for migrants to Thailand. Some of these organizations view the Thai government suspiciously because, historically, the government has not been supportive of migrant rights.

Sub-Issue Network

One of the sub-issues within this advocacy network is the plight of hill tribe minorities. A strong risk factor for internal human trafficking is the lack of citizenship status for approximately 70 per cent of the over half million non-Thai hill tribe people living in northern Thailand. Hill tribe minorities – Akha, Lahu, Mon, Yao, to name a few – have been living in the geographic area that encompasses Northern Thailand, northeastern Burma, Lao PDR and Yunnan province of China for hundreds of years. For mostly political reasons, hill tribe minorities have historically been ignored by the

²⁶⁴ Jackie Pollack, Migrant Assistance Program (MAP), interview with author, Chiang Mai, Thailand, June 22, 2006.

Thai government. Hill tribe minorities have experienced a great deal of official and unofficial discrimination by Thai authorities. In the 1970s, the Thai government's policies of economic development led to the construction of large highways that pushed these people off their land and drove them onto smaller plots of land. The policies of ignoring the hill tribe minorities also led them to not be able to access Thai citizenship; therefore, they do not enjoy any rights afforded to Thai citizens. They may attend school; however, they are not able to receive diplomas, access land rights, receive marriage licenses, and their children are not registered at birth.²⁶⁵

According to some current and former employees of international organizations in Bangkok, trafficking cannot be addressed until the migrant situation is addressed. They see the issues inextricably interlinked. There are approximately 2 million migrant workers in Thailand. Migrant workers in Thailand come mainly from Burma (1.1 million, 45 % women), Cambodia (88,000, 31% women) and Lao PDR (111,000, 55% women). A majority of the migrant workers are occupied in agriculture, construction and private households.²⁶⁶

The primary approach within this model is prevention of trafficking through empowerment of migrants in Thailand. This can be shown through the activities of several organizations, especially those working in Northern Thailand or on border areas because of the large presence of Burmese, Laotian and Cambodian migrants. The consensus among international organizations' representatives is that the vast majority of people who end up trafficked or exploited are first, economic migrants to

²⁶⁵ *Trading Women.*

²⁶⁶ Huguet and Punpuing, *International Migration in Thailand*, 28.

Thailand who know about the risks of migration, but migrate anyway and are exploited at the place of work.

Activities of Selected Organizations Focused on Prevention

FFW plays a prominent role in working with women who have been trafficked. They would be considered an organization that advocates on behalf of the rights of sex workers and migrant sex workers. They have a staff member who works in the International Detention Center and who helps immigration police interview women migrants who might have been trafficked into an abusive labor or sexual exploitation situation. They have been advocating to the Thai government, with some success, to provide more information to migrant women who are taken to the government run shelters about what their options are. Many migrant women who have been abused will end up staying in the shelter for six months or more, and not only will lose the opportunity to gain an income, but will become discouraged about their future. Thai policy says that these women must be sent home; they have no opportunities to stay and work in Thailand once they have been caught as an illegal migrant in Thailand. However, perhaps some would choose to go home right away as opposed to staying in the shelter awaiting a possible court case against their traffickers.

The Mirror Art Group (MAG) is changing the face of NGO work in Thailand because although it is grounded in particular communities, their activities are comprehensive and holistic. MAG runs a variety of projects in Chiang Rai province

where the ethnic hill tribes of Lahu, Akha, and Karen, among many others, make up a substantial minority of the population.

Local authorities in Northern provinces have issued identity cards in an effort to regularize the status of hill tribe people. Generally these papers were being issued on an *ad hoc* basis and their travel outside of the province was still being limited. In January 2000, Thailand's Registration Administration Bureau announced that UNICEF would be using a mobile unit to issue identification cards to members of hill tribe people along Thailand's border.²⁶⁷ However, according to Plan International, this mobile unit was cumbersome and often could not access the more remote mountainous villages.²⁶⁸

Due to the activities of key Thai organizations such as Inter Mountain People Education and Culture in Thailand Association (IMPECT), New Life Center, Mirror Art Foundation, FACE, and international organizations such as United Nations Educational, Scientific and Cultural Organization (UNESCO), Plan International, and UNICEF, a number of new initiatives are underway, not only to raise awareness amongst the hill tribe groups of the dangers of accepting jobs, but also to increase the number of children who are registered at birth. According to interviews with the aforementioned organizations in May-July 2006, the representatives acknowledged much success in raising awareness among hill tribe minorities about the dangers of exploitation because of the lack of citizenship status. However, progress on

²⁶⁷ Human Rights Watch, "Owed Justice. Thai Women Trafficked into Debt Bondage in Japan," New York: Human Rights Watch, September 2000. Available at: <http://www.hrw.org/reports/2000/japan/> (accessed December 30, 2006).

²⁶⁸ Amalee McCoy, Plan International, interview with the author, Bangkok, Thailand, July 12, 2006.

improving birth registration rates has been extremely slow. Low ranking bureaucrats in Thailand who do not have a complete understanding of registration policies and who technically be imprisoned for helping an illegal migrant, are reluctant to work on registration. The Thai government is reluctant to grant citizenship to people who have a difficult time proving that they were born in Thailand. There is a great deal of cross border movement in this region and therefore the Thai government cannot prove who has been born in Thailand and who came over the border. Knowing that there is a severe lack of support for granting citizenship to those living in Northern Thailand, Thai and international organizations have made the strategic decision to focus their advocacy on birth registration.

The International Labour Organization, International Programme to Eliminate Child Labor (ILO/IPEC) has improved its reputation in the last few years. Because they have a particular niche, they have been focusing their attention on highlighting particularly exploitive child labor practices in Thailand. The ILO published two important reports in 2006 on exploitive child labor in the garment and fishing industries. They hope with this research that they can advocate to the Ministry of Labor to improve monitoring mechanisms in these industries. However, the Ministry of Labour only employs about eight hundred labor monitors for the whole country, and they have claimed that it is impossible to monitor the labor of domestic servants. The ILO tried to convince the MOL that there are other means of monitoring migrants, for example, through voluntary labor monitors working in NGOs.²⁶⁹ The MOL has been cautiously engaged with ILO; however, the fact that ILO partnered

²⁶⁹ Elaine Pearson, ILO, interview with author, Bangkok, Thailand, June 29, 2006.

with a well respected Thai university – Mahidol University – to complete these studies has contributed to ILO’s legitimacy in this endeavor. Generally, the MOL is resistant to major reforms with regard to the prevention of exploitation.

The United Nations Inter-Agency Project on Trafficking (UNIAP) is a regional mechanism that also has country offices in the six sub-Mekong countries. In the early 1990s, research was completed on the Mekong countries that showed human trafficking to be a major problem. Ted Turner, the media mogul, funded US\$1 million towards the creation of UNIAP. UNIAP got a slow start, but is now in its third phase of operation. At the encouragement of Saisuree, UNIAP spearheaded the facilitation of a regional cooperation process among the six governments – the Coordinated Mekong Ministerial Initiative on Trafficking (COMMIT), and now UNIAP is the administrator for the COMMIT process. COMMIT is a coordinating mechanism underpinned by substantive interventions. A measurement for success is a high level of engagement between governments and international organizations. If countries sign on to the COMMIT MOU, then governments can apply peer pressure to keep the agreements. The governments are proud that they signed within the COMMIT agreement in nine months – a major accomplishment. The task was not imposed on them.²⁷⁰

UNESCO has been advocating that the Thai government improve its policies on registering hill tribe people in Northern Thailand as a strategy to decrease their vulnerabilities to being exploited and trafficked, and it has used research as a tool for advocacy.

²⁷⁰ Susu Thatun, UNIAP, interview with the author, Bangkok, Thailand, June 5, 2006.

Figure 3.1 Macro- and Micro- Level Advocacy Networks in Thailand

MACRO-LEVEL ADVOCACY NETWORK	MICRO-LEVEL ADVOCACY NETWORK
<p>Prevention Model</p> <ul style="list-style-type: none"> • Focus on behavior of <i>Structures</i> • Focus on labor of migrants and others • Interest in employment contracts being honored • Conditions of work • Registration of migrant workers • Workers organizing themselves • Migrants' access to health care • Migrants' access to education • Thai organizations: MAP, Swan, Empower, Pattanarak, Raks Thai, GAATW, FFW • International Organizations: ILO 	<p>Protection Model</p> <ul style="list-style-type: none"> • Focus on behavior of <i>Individuals</i> • Focus on victim of trafficking • Interest in removing victim from exploitation • Support shelters • Post victimization • Criminal justice procedures • Focused on sending girls back to their home countries • Trying to institutionalize a response • Thai Organizations: TRAFCORD, FACE, CPR • International Organizations: ECPAT, IJM, UNIAP, World Vision, IOM
<p>Overlapping Networks</p> <ul style="list-style-type: none"> • Focus on prevention and protection • Focus primarily (but not exclusively) on children • Thai Organizations involved: DEPDC, New Life Center, FACE, Mirror Art Group • International Organizations involved: The Asia Foundation, UNIAP, UNESCO, Plan International, UNICEF, PHT 	

Bridges and Gaps Between Advocacy Networks

Those organizations focused on prevention of trafficking are also interested in the protection of victims, and sometimes organizations change their focus over time. For example, Sudarat, in the last two years, has become interested in the problems of hill tribe people. One gap between migrant-focused organizations and trafficking organizations is that the former do not agree with the raiding of brothels. Migrant

focused organizations believe that trafficking organizations are too narrow in their thinking and that they should broaden their views about the issues.²⁷¹

Although these two advocacy networks are focusing on different aspects of addressing all the problems within the spectrum of anti-human trafficking activities – prevention, protection, prosecution, repatriation, reintegration – their disagreements with the other’s strategies are minimal. What is apparent when talking to Thai activists working on this issue is that two important norms have developed. One norm is collaboration among multiple stakeholders. Thai nonstate actors, for the most part, have adapted to circumstances in their country: corrupt police, slow government, widespread involvement of international organizations in Thai domestic activities. Nonstate actors have learned how to build strong relationships with these different actors with the goal of forwarding their agenda. The norms of providing care to victims and safely and humanely repatriating them back to their home country began to develop as well through combined advocacy of NGOs such as FACE and CPR and governmental actors such as Saisuree and Wanchai Roujanavong.²⁷² Multi-disciplinary teams were organized to address the needs of victims of trafficking and mechanisms for care to victims were taken seriously. TRAFCORD embodied the

²⁷¹ Usa Lerd, Foundation for Women, interview with author, Bangkok, Thailand, July 19, 2006.

²⁷² Wanchai is Director General of the Thailand Department of Corrections in the Ministry of Justice. He has also worked closely with Sudarat in FACE for many years as a lead prosecutor for the cases she monitored.

norms of treating victims as victims and not as criminals.²⁷³ This is one reason why there is not a great deal of animosity between the two advocacy networks.

Another norm, “do no harm” to potential or actual victims of trafficking, has been fully embraced by each of the advocacy groups. FFW, for example, works with the international detention center in Bangkok to reduce any harm done to women who may be found to be victims. Thai shelters have social workers who work with the victims of trafficking.

In 2001, the American organization International Justice Mission came to Thailand with the goal of rescuing girls and women out of brothels. However, they did not embrace the two norms so entrenched in the Thai way of operating. Although Thais were also engaged in rescuing victims, IJM’s approach did not embrace the norm of “do no harm.”

Challenges of Institutional Agenda-Setting and Policymaking in Thailand

Western theories cannot be applied neatly because the policymaking process does not mirror predictable systems of agenda-setting and policymaking. American systems of agenda-setting and policymaking are fairly closed systems. In the Thai system, not only is the system not predictable, international organizations are sometimes invited to participate in the policymaking of the Thai government. International pressure also plays a larger role in Thai domestic politics than it would in the American political process, for example.

²⁷³ Rossakun Tariya, TRAFCORD, interview with author, Chiang Mai, Thailand, June 14, 2006

As was established in the methodological chapter, advocacy groups use framing techniques to try to get their issue on the agenda. However, Thai nonstate actors and international organizations rely less on decisive, Thai governmental action and more on the support they can garner from other organizations and donors. Even members of the Thai government who are involved in anti-trafficking activities know the limitations of their own government. They also rely on intergovernmental organizations to help the government implement strategies to combat trafficking.

Each time overtures have been made at the Prime Ministerial level in Thailand to address trafficking, it has been because a particularly egregious trafficking situation has been discovered. In 2003, an Asian Pacific Economic Commission meeting was scheduled to be held in Bangkok. Several weeks before the APEC summit, Prime Minister Taksin Shinawatra made the fateful decision to rid Bangkok streets of beggars in order to “clean up” the city. Some local NGOs in Bangkok who worked in trafficking know that the majority of beggars in Bangkok are Cambodian victims of trafficking whose presence in Thailand is made possible by organized crime rings. The Prime Minister authorized for these beggars to be rounded up and unceremoniously dumped at the Thai Cambodian border, without screening any of them to see if they were victims of trafficking. This of course blatantly violated a freshly signed MOU between Thailand and Cambodia, and threw the Thai NGO and international community into an uproar. The PM came under much criticism and pressure to step up his efforts to combat trafficking.

In 2004, the Thai government dealt with the fallout of the decision in 2003 to clean up the streets of Bangkok by setting in motion several new initiatives. The

Prime Minister and his advisers decided to tackle the problem of human trafficking by likening the problem to illegal drugs in Thailand. Prime Minister Taksin had a particularly egregious record of human rights violations in Thailand under the claim of fighting illegal drugs. A National Conference on human trafficking was held in Chiang Rai, Thailand, the same location where, several years earlier, a “war on drugs” had been declared. Many in the international community admittedly feared that the same rhetoric would be used to declare a “war on trafficking.” The Deputy Prime Minister fell short of declaring war, but noted that “human trafficking is a problem that should receive an equal level of priority [as drugs] as well, and must be urgently solved.” The Deputy PM also emphasized that “all women and children trafficked into forced labour/trafficking should be regarded as victims who need help and protection [and] these victims should be treated as victims as well as witnesses to a crime, instead of being treated as perpetrators of the crimes themselves.”²⁷⁴

The Prime Minister allocated 500 million baht (US\$12.5 million) towards “helping and rehabilitating” victims of human trafficking.²⁷⁵ As of July 2006, only 100 million baht had been spent, and Thais and internationals alike were questioning what had happened to the remaining 400 million baht unspent by the government. In June 2006, the Ministry of Social Development and Human Security began soliciting proposals from Thai NGOs and other Thai government ministries for prevention, protection and rehabilitation projects.²⁷⁶ However, there was concern voiced by

²⁷⁴ Purachai Piemsombun’s Special Lecture.

²⁷⁵ “Thailand and Human Rights.”

²⁷⁶ United Nations Congress on Crime Prevention and Criminal Justice, *Thailand Country Report*; In an interview with Surasak Laohapiboolkul, Royal Thai Police, Bangkok, Thailand,

advocates from international organizations that the Ministry of Social Development and Human Security did not yet have the capacity to administer these grants to organizations and other government ministries.

Role of “Bridging Elites” Between Civil Society, International Organizations, and the Thai Government

A small but important group of actors in domestic advocacy networks are the elites in Thailand who are able to bridge the NGO, government, and international sectors because their primary motivation is success, and because they enjoy deep respect by a large cross-section of people. It also makes a difference that they are formally members of the Thai government. Saisuree for example adeptly uses political pressure on Thailand to do “policy jui jitsu.”²⁷⁷ Saisuree can publicly dismiss U.S. government pressure, but then quietly put pressure on her own government to improve its policies. This pressure creates opportunities for NGOs and international organizations to voice their concerns to the Thai government. Saisuree has been able to bridge the upper echelons of the Thai government, the bureaucracy, the civil society, and international NGOs and IGOs. Since the early 1990s, she has been the one constant who has been able to bring diverse people to the same table to discuss what needs to happen to address a particular problem or a broader issue.

June 8, 2006, he indicated that just days earlier he had received a ‘call for proposals’ signifying that other government ministries were being requested to send proposals so that the remaining money could eventually be distributed. This fact was also confirmed by Yane Lertkrai, Director, Bureau of Anti-Trafficking in Women and Children, Department of Social Development and Welfare, interview with author, Bangkok, Thailand, July 4, 2006.

²⁷⁷ American activist in Bangkok, interview with author, Bangkok, Thailand, June 2006.

At a Vital Voices Global Partnerships conference in Bangkok in 2006, Melanne Verwee, the President of the Board, declared that only nine years earlier, in March 1998, Saisuree was at President Bill Clinton's side when he made his presidential directive on trafficking. Saisuree had been invited to be a part of a ceremony celebrating International Women's Day at the White House where she was joined by President Clinton and Hillary Rodham Clinton, Secretary of State Madeline Albright, U.N. Secretary General Kofi Annan, and Attorney General Janet Reno.

Saisuree has played an enormously important role in the development of policies and norms to combat trafficking, some of which are in accordance with international norms and others that have developed a distinct Thai style of norms on this issue. The four basic principles to which Saisuree adhered in her many years of dealing with this issue were: First, a human rights approach had to be taken by the government; she believed that it was the government's responsibility to help victims and not treat them as criminals because there were other circumstances such as poverty and domestic abuse that may have caused them to be caught up in prostitution. Second, there had to be a cooperative, multidisciplinary approach to carrying out the normative framework of combating human trafficking: 3Ps (protection, prevention, prosecution) and the 4Rs (rescue, rehabilitation, repatriation, reintegration). Third, she believed in rescuing girls and women immediately from the abusive situation, and putting the victims in a shelter, not a detention center. Finally, she believed that the victims should be safely repatriated. However, she faced many obstacles, not the least of which was that not many people understood what trafficking was, and certainly those who would be tasked with helping these

individuals needed to be trained sensitively in order to understand the nuances of dealing with different kinds of trafficking situations.

It was clear from nearly every government Ministry official interviewed that the Thai government appreciated the work that the NGOs did, and that they would not be able to do their work without the help of the NGOs. There was a sentiment that not all NGOs were trustworthy, but those that could be trusted were good partners.²⁷⁸

The Thai government has sought out the cooperation with NGOs because they know that the government cannot address every aspect of combating trafficking without the help from civil society. In fact, the several ministries of the Thai government have been surprisingly cooperative with the Thai NGOs. This relationship has been facilitated in large part due to Saisuree's vision of a cooperative government/civil society arrangement on issues dealing with women and children. In addition, many have seen the fruits of the multi-disciplinary teams and know that when there is commitment to their success, they do work very well.

Another individual who also became a "bridging elite" in Thailand is Wanchai Roujanavong. In the 1990s, Wanchai was prosecuting cases of foreign pedophiles in Thailand through the Ministry of Justice. He joined forces with Sudarat when she founded FACE, and extra-ordinarily, he, as a governmental actor, supported the work of an NGO. Wanchai represented the Thai government during the Vienna Process and has been one of the primary authors of the new anti-trafficking law in Thailand passed in 2008. Still working at the Ministry of Justice, Wanchai is a well respected

²⁷⁸ The Ministry of Foreign Affairs (MFA) was the only Ministry that did not speak positively about Thai NGOs. This is likely because the MFA does not need NGOs to a great extent to carry out its activities.

Thai elite who has easily navigated the worlds of the governmental and nongovernmental sectors in Thailand.

Although there were efforts to set both the public and institutional agendas in Thailand, particularly with regard to the women's human rights movement, institutional agenda setting became a priority after 2000. Saisuree's and Wanchai's goals were to strengthen the institutional mechanisms in Thailand so that not only would there be legal tools to address child prostitution and trafficking, but that Thailand's laws would be in compliance with developing international norms on human trafficking. As FACE and CPRC worked closely with elite bridge builders Saisuree and Wanchai, efforts to address Thailand's problems of corruption in the police force, and inefficiencies in the court system became a priority, as well as finding ways of institutionalizing the international norms. For example, knowing the difficulty of getting human trafficking onto the highest levels of the political agenda in Thailand, Saisuree and others in the government took a more mid-level government approach by pushing for a series of Memoranda of Understanding – one between government ministries, one between government ministries and nongovernmental organizations, and one between nongovernmental organizations (and some international organizations).²⁷⁹ These elite bridge builders knew that MOUs were not as strong as laws, but they could be used as political leverage to gain the support of difficult government ministries and intractable police chiefs.

²⁷⁹ Saisuree Chutikul, interview with the author, Bangkok, Thailand, July 5, 2006.

Conclusion

Thai nonstate actors have proven to be capable and savvy partners to various other organizations and actors: the Thai government, international organizations, and to each other. Over the many years that they have been addressing various forms of human trafficking Thai nonstate actors have sought to cooperate in both domestic and transnational networks. These networks will prove to be very powerful forces when confronted by hegemonic state and nonstate actors on human trafficking.

Chapter 4: Getting Human Trafficking on the Political Agenda in the United States

Introduction

The United States government and U.S.-based nonstate actors are significant players with regard to addressing the issue of human trafficking domestically and globally. The United States has its own serious problems of people being trafficked to and within its borders. Not only have U.S. actors assumed the responsibility of addressing human trafficking within its own borders, they have taken on the task of trying to address trafficking in other countries as well. The U.S. government and U.S.-based nonstate actors have been some of the most progressive and aggressive actors addressing this issue. These hegemonic tendencies, however, have created unique political dynamics and have prompted counter campaigns in some countries. This chapter explores efforts of the U.S. government and U.S.-based nonstate domestic and international actors to get human trafficking on the domestic and international agendas. U.S.-based nonstate actors have been very instrumental in working with the U.S. government to set the domestic and global anti-trafficking agendas, advocating for domestic and foreign policy changes on human trafficking norms.

Despite significant advocacy efforts against human trafficking and related issues in Asia in general and Thailand in particular through the 1980s and 1990s, the

United States and the international community were slow to respond to these advocacy efforts. U.S.-based nonstate actors and the broader international community did not seriously begin addressing human trafficking until 1999, and in 2000 the U.S. and the United Nations both developed significant anti-trafficking policies. However, Asian advocacy had little effect on the U.S. response, and, in fact, the U.S. responded to advocacy coming from Russia, and former Soviet countries. Why did the U.S. and the broader international community represented by the United Nations not respond to the issue of human trafficking until years after Asian advocacy was in full swing?

The answers to these questions – addressed in this chapter – will help answer the primary question of Chapter 5: when the U.S. did finally decide to pay attention, and transnational advocacy networks were launched from the U.S. towards Asia, how did Thailand respond? The dual roles of the U.S. government as both a progressive leader in global anti-trafficking efforts, as well as a unilateral, global “sheriff”²⁸⁰ on creating and enforcing international anti-trafficking norms, despite the existence of international law on trafficking, provide an interesting backdrop to Chapter 5 where the response of the Thai nonstate actors to this agenda-setting is examined. The events that led the U.S. government to place this issue on its domestic and foreign policy agendas are the result of intense activism and advocacy on the part of many diverse organizations.

²⁸⁰ See Chuang, “The United States as Global Sheriff.”

Brief Background of Trafficking Problems in the United States

The United States is a destination country for men, women, and children trafficked for the purposes of forced prostitution and forced labor. The most recent U.S. Department of State estimates claim that 14,500 to 17,500 people are trafficked into the United States every year.²⁸¹ Individuals are trafficked to and exploited in nearly every state of the United States; no small community is immune, though the majority of trafficking cases have been found in larger metropolitan areas and traditional ports of entry – New York, Miami/Florida, Texas, Los Angeles, San Francisco, Chicago, and Atlanta.²⁸² People have been found trafficked in traditional and nontraditional sex industry establishments – brothels, bars, massage parlors, – as well as factories, sweatshops, farms, restaurants, private homes, even begging on the street. Young women are trafficked from the former Soviet Union, Latin America, and Asia in to sexual servitude. Latin American and African women are trafficked into domestic servitude. Latin American and Asian men are trafficked into forced labor or extremely exploitive labor situations in factories, farming, construction, agriculture, and landscaping.

²⁸¹ State Department, *Trafficking in Persons Report 2005*; State Department, *Trafficking in Persons Report 2006*. These statistics have been highly criticized because the methodology by which they were derived has been discredited by the General Accounting Office, *Human Trafficking: Better Data, Strategy, and Reporting Needed to Enhance U.S. Antitrafficking Efforts Abroad* (Washington, DC, July 2006). Available at: <http://www.gao.gov/new.items/d06825.pdf>.

²⁸² U.S. Department of Justice, *Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons Fiscal Year 2006* (Washington, DC, May 2007).

It is unknown if there are more situations of individuals in trafficking for forced prostitution than in labor trafficking. The U.S. government argues that 80 per cent of trafficking in the world is for “sex trafficking,” and that 70 per cent are women and children.²⁸³ The majority of prosecution cases that the U.S. Department of Justice has handled have been for forced prostitution.²⁸⁴ Based on claims by the U.S. government, there is a general assumption in the United States and elsewhere that sex servitude is more prevalent than labor trafficking.²⁸⁵ However, research is providing evidence to the contrary.²⁸⁶

It is not surprising that the United States is a magnet for migrants from all over the world. It is also not at all surprising that many of these migrants are duped by recruiters in their home communities. Recruiters paint rosy pictures of what it is like to live and work in the United States. In addition, because the routes for legal migration into the United States are limited, individuals seeking to get into the U.S. increasingly turn to unscrupulous smugglers and traffickers.

²⁸³ U.S. Department of State, *Trafficking in Persons Report 2005*.

²⁸⁴ U.S. Department of Justice, *Attorney General’s Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons Fiscal Year 2006* (Washington, DC, May 2007).

²⁸⁵ U.S. Department of State, *Trafficking in Persons Report 2006*; Elzbieta M. Godziak and Elizabeth A. Collett, “Research on Human Trafficking in North America: A Review of Literature” *International Migration* 43 (1/2) (2005): 99-128.

²⁸⁶ See Alexandra Webber and David Shirk, “Hidden Victims: Evaluating Protections for Undocumented Victims of Human Trafficking,” in *Immigration Policy in Focus* 4, no. 8 (Washington, DC: Immigration Policy Center, December, 2005); See Jane Morse, “Human Trafficking for Forced Labor Might Exceed Perception,” <http://USINFO.state.gov> (accessed 26 April 2007). It should not be assumed that because the U.S. Department of Justice has tried more trafficking for prostitution cases that sexual servitude is more prevalent. In fact, some of the largest cases in the United States – *U.S. v. Kil Soo Lee*; *U.S. v. Zavala and Ibanez*; the El Monte Sweatshop case; and the *United States v. Paoletti-Lemus* have been forced labor cases.

Research has shown also that it is not the poorest of the poor who are trafficked or become trafficked in the United States, nor is it the most uneducated, though low levels of education do play a factor in the likelihood of someone becoming exploited.²⁸⁷ In 2006, the *San Francisco Chronicle* ran a four part story in which the reporter extensively interviewed one South Korean woman who came to the U.S. from a lower middle class family in Korea. This young woman, in order to fit in with her friends in South Korea, signed up for a credit card and racked up the charges to tens of thousands of dollars, having paid for nice clothes and jewelry. Being unable to pay off the credit card with her job as a waitress, she became desperate and agreed to pay money to a smuggler to bring her to the United States to work, she thought, as a waitress in California. She was unaware of the immigration and visa rules, and allowed her smuggler to arrange the paperwork. Little did she know that she would first be flown to Mexico, smuggled illegally at the border into the United States, and then forced to work as a prostitute to pay off not only the debts of her credit card, but the debt that she had incurred paying her smuggler. After several months of working as a prostitute against her will, she had paid off enough of her smuggling debt that if she wanted to leave prostitution, she could. However, she chose to stay working as a prostitute for many more months to continue to pay off her credit card debt in South Korea. In addition, she did not know what her options were because she was an illegal alien. Eventually, after exiting the prostitution industry, her experiences came to the attention of a nongovernmental organization that, along

²⁸⁷ See Kevin Bales and Steven Lize, *Trafficking in Persons in the United States* (Washington, DC: National Institute of Justice, March 2005). Available at: <http://www.ncjrs.gov/pdffiles1/nij/grants/211980.pdf>. (accessed May 1, 2007).

with the U.S. government, found that indeed she was a victim of trafficking, and she was eligible for certain compensations under the TVPA.²⁸⁸ The details of this case show the complexities of trafficking in the United States because, not only can a person be smuggled then trafficked, but this woman chose to stay working in the sex industry after she could have exited because of her obligations in South Korea.

The situation of trafficking in the United States is distinctive because the majority of traffickers are trafficking people of their own ethnic/national group.²⁸⁹ For example, Bales and Lize, in their 2005 report on human trafficking in the United States, found that in eight of the 12 cases they studied, the victims were “recruited by someone from their community of origin – that is, someone from their neighborhood, family, or ethnic group.”²⁹⁰ Bales and Lize go on to say that forced labor is often found within ethnic/national communities “as chain migration links are exploited to support human trafficking.”²⁹¹ The fact that victims of trafficking are very often exploited within ethnic community enclaves in the United States is one of the factors that prevents local and federal law enforcement and nongovernmental organizations from finding or discovering victims of trafficking throughout the United States. The psychological and physical coercion victims experience in exploitive situations is much more powerful when a trafficker knows the victim’s family in their home

²⁸⁸ Meredith May, “San Francisco is Hub for Trafficking for Sexual Exploitation.” *San Francisco Chronicle*, November 6, 2006.

²⁸⁹ Anonymous U.S. Department of State official, interview with author, Washington, DC, December 5, 2006.

²⁹⁰ Bales and Lize, *Trafficking in Persons in the United States*, 27.

²⁹¹ *Ibid.*, 143.

country and can threaten to hurt those family members, especially children left behind.

Domestic and International Nonstate Actors in the United States

Pre-2000

The number of organizations working on human trafficking in the United States are too numerous to list here, but that was not always the case. Before 2000, only a handful of organizations in the United States were exclusively focused on raising awareness about human trafficking as a domestic and international issue. However, the organizations belonged to different issue networks: service provider, human rights, and feminist organizations. In the mid-1990s trafficking was emerging as both a domestic and an international issue.

Two big cases of trafficking in the United States brought this issue to the attention of some service provider organizations, and prompted the creation of an advocacy organization. In 1995, approximately 100 deaf Mexicans were found being forced to peddle trinkets in New York City. In 1997, approximately 70 Thais were found locked up in a sweatshop in El Monte California where they had been held for 17 years. The service provider organization Safe Horizon in New York was responsible for providing services for the Mexicans. Coalition Against Slavery and Trafficking (CAST), formed in 1998, acted in response to the severe labor and sex exploitation situations in California, particularly because of the El Monte case.

Nonstate actors have been integral players in trying to address the serious problem of human trafficking in the United States.

Attention also began being paid to trafficking by U.S.-based international organizations such as International Human Rights Law Group (later changed its name to Global Rights). In the late 1990s, IHRLG was advocating for a clear definition of human trafficking both in the domestic and international arenas. ECPAT-USA, established in 1991, and incorporated in 1994, was supported by a network of children's rights agencies, churches and other concerned NGOs that focused on the campaign to end child prostitution in Asian tourism.²⁹² Vital Voices Global Partnership formed from the InterAgency Council on Women, an office under the Clinton Administration. Global Survival Network (GSN) was focused on raising awareness of the problem and advocating to governments for a targeted response to forced prostitution of women from the former Soviet countries.

Fresh from the fight for international religious freedom during the passage of the International Religious Freedom Act (IRFA), conservative and faith-based organizations took up the banner of fighting against global prostitution. These organizations included the Family Research Council, Religious Action Center of Reform Judaism, the National Association of Evangelicals, Gary Haugen of the International Justice Mission. Conservatives such as Charles Colson of the X Institute and Michael Horowitz of the Hudson Institute were also deeply involved in advocacy against prostitution.

²⁹² End Child Prostitution Child Pornography and Trafficking of Children for Sexual Purposes, <http://www.ecpatusa.org/>.

Feminist advocates and organizations also became interested in addressing human trafficking in the late 1990s, such as Gloria Steinem, CATW, National Organization for Women, Equality NOW, Laura Lederer of The Protection Project, and Juliet Engele of MiraMED Institute, and Prevent Human Trafficking.

“Strange Bedfellows:”²⁹³ Religious Right Conservatives, Feminist Abolitionists, and the Development of Anti-Trafficking Advocacy Coalitions in the United States

Political Outcomes of the Feminist/ Conservative Coalition

The religious right conservatives’ and the feminist abolitionists’ cooperation on the linkages between prostitution and trafficking was sufficient enough to maintain Congressional support of the issue of human trafficking, especially of the Republicans, years after the passage of the TVPA. One way to analyze Stolz’s argument about the coalitions working in tandem rather than more cooperatively is to highlight the behavior of the U.S. government under the Clinton Administration with regard to its relationship with nonstate actors on this issue. NGOs enjoyed relatively full access to employees in the Department of State to advocate for their particular frame of the prostitution/ trafficking issue.²⁹⁴ However, this open-access relationship

²⁹³ *Trading Women.*

²⁹⁴ Anonymous individual involved in the writing of the TVPA during the Clinton Administration, telephone conversation with author, May 2007.

may have actually provided a disincentive for the NGOs to cooperate with one another because the U.S. government was not “the enemy.” When George W. Bush came to office, many NGOs experienced blocked access to the government, especially if they did not share the same conservative frames on the issue of human trafficking.

Institutional Agenda-Setting

Finding a Definition of Trafficking on Which All Could Agree

The efforts to try to define trafficking, spearheaded by nonstate actors, and embraced by state actors provided an opportunity to a seemingly diverse group of organizations and individuals to align with one another politically before and after the passage of the TVPA. The accepted definition of human trafficking that appears in the TVPA, as well as the UN Protocol, was developed through a collaboration of nonstate actors and U.S. government officials between 1994 and 2000. The policy-making process happened fairly rapidly, and this can be attributed to the fact that the issue of trafficking in persons (especially for the purposes of prostitution of women and children) had the backing of both liberal and conservative individuals and organizations.

Trying to find the boundaries around an issue, namely how it is defined, is an important aspect of framing. The 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others did not actually define “trafficking;” therefore, there was a definitional vacuum at the international and

domestic levels all the way into the mid-1990s. Organizations and governments were not defining trafficking consistently in the mid- to late 1990s. For example, in October 1994, the IOM organized a conference in Geneva, Switzerland called “International Responses to Trafficking in Migrants and the Safeguarding of Migrants’ Rights.” However, the definition they published did not mention exploitation, and in fact was more inline with current definitions of smuggling.²⁹⁵ The GAATW discussed the difficulties of finding common ground in activism and advocacy without an internationally agreed-upon definition of trafficking. GAATW promoted a human rights framework for combating trafficking, along with STV and the International Human Rights Law Group, published the “Human Rights Standards for the Treatment of Trafficked Persons (HRS) in 1999 that attempted to broaden a definition of trafficking to include any kind of labor – sexual or otherwise.²⁹⁶

In 1995, President Bill Clinton established the President’s InterAgency Council on Women (PICW) within the U.S. Department of State in order to create a mechanism to carry out commitments the United States made under the Beijing Agreement. The chairperson of this Council was then First Lady Hillary Clinton who had been present at the Beijing conference and gave a stirring speech about women’s rights as human rights.

²⁹⁵ Frank Laczko, “Introduction: Data and Research on Human Trafficking,” *International Migration* 43 (1/2) (2005): 10. IOM has since become one of the premier IGOs combating trafficking all over the world.

²⁹⁶ Global Alliance Against Traffic in Women, *Human Rights in Practice. A Guide to Assist Trafficked Women and Children*. Bangkok: Global Alliance Against Traffic in Women, 1999. Preface page.

Serious discussions on the definition of trafficking in persons began in the United States in 1997 among international human rights NGOs, academics, and government officials.²⁹⁷ Staff in PICW were encouraged to define human trafficking,²⁹⁸ and so they organized public hearings at the U.S. Department of State that created a forum for the exchange of ideas between government officials and nongovernmental organizations on the nature of human trafficking.²⁹⁹

Activists from Human Rights Watch, for example, advised government officials at these hearings not to only focus on the law enforcement aspect of combating trafficking but the victims' rights needed to be preserved in any kind of legal statute. Other faith-based organizations did not hesitate to make their position on prostitution clear with the government officials, and took the opportunity of open dialogue to state their position.³⁰⁰

In January 1998, the International Human Rights Law Group (now Global Rights) in Washington, DC partnered with Harvard University Law School on a Roundtable to discuss the definition of trafficking. At this Roundtable, representatives of NGOs and U.S. government agencies participated, attempting to de-link prostitution from trafficking. The purpose of the roundtable was to define "trafficking

²⁹⁷ Ali Miller and Alison N. Stewart, "Report from the Roundtable on the Meaning of 'Trafficking in Persons': A Human Rights Perspective," *Women's Rights Law Report* 20, no.1 (Fall/Winter 1998): 11-19.

²⁹⁸ Anita Botti, former U.S. Department of State official, personal communication with author, Washington, DC, June 2, 2007.

²⁹⁹ Theresa Loar, former Director, Vital Voices Global Partnership, personal communication with author.

³⁰⁰ Ibid.

in persons” as well as formulate an “analytic and conceptual framework for crafting appropriate responses to “trafficking in persons” in both the international human rights context and as a matter of U.S. law and policy.”³⁰¹

This Roundtable was significant because it clarified additional framing for the trafficking issue. First, trafficking was not only connected to prostitution but that trafficking in persons consisted of all acts involved in: “exploitive, abuse or service situations, such as forced prostitution, sweatshop labor, domestic servitude or other abuse forms of labor.”³⁰² Second, trafficking was framed as a human rights issue. The organizers of the Roundtable insisted that “a multi-dimensional approach...must include not only legislative crime prevention...but social welfare, job training, rights protection and development initiatives.”³⁰³ This was the first of many meetings, roundtables where the competing interpretations and understandings were evident.

On March 8, 1998 – International Women’s Day – President Clinton announced an Executive Order on Trafficking in Women and Children,³⁰⁴ “outlining

³⁰¹ Miller and Stewart, “Report from the Roundtable on the Meaning of ‘Trafficking in Persons’: A Human Rights Perspective,” 11; In an April 2007 conversation with Janie Chuang, a law professor at the American University Washington College of Law, and one of the participants of this 1998 Roundtable, she indicated that at the conception of the Roundtable, she was marginally aware of a “big fight” brewing between the abolitionist feminists and the human rights feminists with regard to the issue of prostitution. Chuang, at the time, was a member of the Human Rights Program at Harvard School of Law. Jessica Neuwirth of Equality Now wrote a letter to Harvard Law school officials saying that the Harvard-organized Roundtable was “implicitly supporting a pro-prostitution agenda.” The organizers of this Roundtable did not invite CATW or Equality Now to participate.

³⁰² Miller and Stewart, “Report from the Roundtable on the Meaning of ‘Trafficking in Persons,’” 16.

³⁰³ Ibid., 12.

³⁰⁴ Interestingly, Saisuree Chutikul was invited to be present at the White House when President Clinton announced his Executive Order.

a comprehensive and integrated policy framework to guide the United States' anti-trafficking initiatives both at home and abroad," that became the blueprint for the U.S. legislation on human trafficking.³⁰⁵ The Clinton Administration began establishing bilateral working relationships with several countries, and spearheaded the writing of the UN Protocol.³⁰⁶ The policy framework consisted of the 3Ps: prevention, prosecution and protection. Between 1998 and 1999, PICW, based in the Department of State, communicated regularly with the White House, Department of Justice, and NGO representatives to further explore and understand the issue of trafficking. A preliminary definition of trafficking was developed by staff members in PICW after having met with many organizations over a couple of years. Anita Botti, then Deputy Director of PICW³⁰⁷ read a preliminary definition at a June 1999 Congressional hearing on "The Sex Trade: Trafficking of Women Children in Europe and the United States." Botti stated:

The problem of trafficking in human beings involves *recruitment, transport, harboring, transfer, sale, or receipt of persons* within national or across international borders, through the use of *fraud, coercion, force*, or kidnapping, for the purposes of placing persons in situations of *slavery-like conditions*, forced labor, or services.

³⁰⁵ Melanne Verveer, Vital Voices Global Partnership, personal communication with author, Washington, DC, May 9, 2007.

³⁰⁶ Chuang, "The United States as Global Sheriff," 449.

³⁰⁷ Anita Botti, former U.S. Department of State official, personal communication with author, Washington, DC, June 2, 2007.

Examples include forced prostitution, domestic servitude, bonded sweatshop labor, or other debt bondage.³⁰⁸ [emphasis added]

The fact that this definition was read by an important Department of State official at this hearing is significant because it is the first time publicly that this definition of trafficking is presented. Very similar phrasing later in the TVPA and then the UN Protocol is apparent. For example, the TVPA defines “severe forms” of trafficking as:

a) sex trafficking in which a commercial sex act is induced by *force, fraud, or coercion*, or in which the person induced to perform such act has not attained 18 years of age; or b) the *recruitment, harboring, transportation*, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, *debt bondage*, or *slavery*; c) if the person is under 18 years of age, any commercial sex act, whether or not force, fraud or coercion is involved.³⁰⁹ [emphasis added]

In other words, the TVPA “defines traffickers as people who use force, fraud or coercion to hold adults or children in forced labor, slavery, involuntary servitude or debt bondage or to cause adults to perform commercial sex acts.” Traffickers cause minors (under

³⁰⁸ U.S. Congress, Commission on Security and Cooperation in Europe, Testimony of Steven R. Galster, Executive Director, Global Survival Network, *The Sex Trade: Trafficking Of Women and Children in Europe and The United States*. 106th Cong., 1st session, (June 28, 1999): 5.

³⁰⁹ *Trafficking Victims Protection Act of 2000*, U.S. Code 22 (2000), § 7101.

18 years) to engage in commercial sex acts, with or without force, fraud or coercion.³¹⁰ A comparison between the two definitions and looking specifically at the italicized words, shows that they are both closely related, with the origins coming from the first definition. U.S. government funding was allocated for Amy O'Neill Richard to conduct a study for the DCI Exceptional Intelligence Analyst Program, administered by the Center for the Study of Intelligence, U.S. Department of State entitled "International Trafficking in Women to the United States: A Contemporary Manifestation of Slavery and Organized Crime."³¹¹ It was published in November 1999 and became the basis upon which other agencies of the U.S. government acted. It also established the scope of the problem in the United States – that "45,000 to 50,000 women and children are trafficked annually to the United States, primarily by small crime rings and loosely connected criminal networks."³¹² The number of individuals cited to be trafficked to the United States was an enormous number, and organizations, activists, government agencies and the media seized on these statistics. In fact, Anita Botti cited these numbers at the Congressional hearing mentioned above. Earlier that year, the U.S.-

³¹⁰ Ann Jordan, Testimony of Ann Jordan, Director, Initiative Against Trafficking in Persons, Global Rights before the House Subcommittee on Border, Maritime and Global Counterterrorism Hearing on Crossing the Border: Immigrants in Detention and Victims of Trafficking, Part II March 20, 2007.

³¹¹ Melanne Verveer, Vital Voices Global Partnership, personal communication with author, Washington, DC, May 9, 2007.

³¹² Amy O'Neill Richard, *International Trafficking in Women to the United States: A Contemporary Manifestation of Slavery and Organized Crime* (Washington, DC: DCI Exceptional Intelligence Analyst Program, November 1999).

based Central Intelligence Agency (CIA) published a briefing where these numbers were first cited, though a methodology for data derivation was not provided.³¹³

Motivations for Institutional Agenda-Setting

In 1991, the Soviet Union collapsed, destabilizing Central and Eastern Europe. The end of the Cold War precipitated an intense interest in the issue of trafficking in persons *in Western countries*, primarily because of the fear and concern of mass migration out of the former Soviet Union and Eastern Europe to Western Europe. Whereas a large number of people did make their way to Western Europe, an exodus did not materialize. Trafficking in women and children for sexual exploitation into the European Community came to the attention of a growing number of nongovernmental organizations in Western Europe. Interestingly, as we have seen earlier, some of these European NGOs had been working on related issues, with Asian activists, since the 1980s and were aware of Southeast Asian women involved in forced and voluntary prostitution, as well as abusive marriages between European men and Asian women.³¹⁴ However, Asian and African women in European brothels in the 1980s did not raise the same flags as did the appearance of foreign, white women in the French, British, and German sex industries in the 1990s. Much the way that the “white slavery” panic of the early 20th century was motivated by the thought

³¹³ O'Neill cited the “Central Intelligence Agency briefing, Global Trafficking in Women and Children: Assessing the Magnitude,” April 1999, in her report. However, the author was unable to obtain a copy of the briefing.

³¹⁴ Sudarat Sereewat, FACE, interview with the author, Bangkok, Thailand, June 30, 2002.

that white women were being enslaved sexually, an intense interest in the issue resurfaced with the end of the Cold War. In fact, the media attention was unprecedented. Jahic and Finckenauer (2005) ask poignant questions about why there was a rise in interest in this issue in the 1990s:

Was the rise in concern for victims simply the result of a sudden increase in trafficking? Why did special interest groups, governments, and organizations suddenly become interested in a problem that had actually been present for decades? Was there something unusual about the new wave of trafficking from Eastern Europe and the former Soviet Union?³¹⁵

The answer they provide, which is in agreement with other findings, is “unlike the women from Asia and Africa, who were women of color, the new trafficking victims were more [recognizable]. The old image of white slaves was invoked, and this resonated with the developed countries of the West.”³¹⁶ In fact there is very little evidence that Asian activism and advocacy influenced U.S. agenda-setting on human trafficking.

³¹⁵ Galma Jahic and James O. Finckenauer, “Representations and Misrepresentations of Human Trafficking,” *Trends in Organized Crime* 8, no. 3 (Spring 2005): 26.

³¹⁶ Jahic and Finckenauer, “Representations and Misrepresentations of Human Trafficking,” 26.

Domestic Versus International Considerations in Institutional Agenda-Setting

In identifying the domestic reasons why the United States passed a law on human trafficking, we can find several cases of human trafficking that were brought before the U.S. courts in the mid-1990s. Unfortunately, prosecutors did not have legal statutes to be able to address the specific problems of people being *psychologically coerced* and enslaved for work. Before the TVPA, U.S. law did not recognize psychological coercion, only physical coercion, as part of slavery cases. However, special attention needed to be paid to people who, though they may have agreed to be taken across the border, ended up in a situation of deception, coercion, and violence.

Chuang (2006) argues that “two cases, in particular – the “El Monte case” and the “Deaf Mexican case” – prompted members of Congress to propose comprehensive anti-trafficking legislation.”³¹⁷ However, these two cases were discovered in 1995, and legislation was not introduced in Congress until 1999. These two cases most certainly played a role in raising attention to this issue of worker exploitation, but they were not the true catalysts for Congress to pass anti-trafficking legislation. Although it is possible to find some people who argue that President Clinton and Congress reconsidered immigration laws because of the El Monte case and the deaf Mexican case,³¹⁸ the fact that Congress did not actually act until evidence provided by Global Survival Network was shown of women being sold into

³¹⁷ This argument is based on Senator Paul Wellstone’s comments: “Trafficking of Women and Children,” Hearing Before the Senate Foreign Relations Committee, Subcommittee on Near Eastern and South Asian Affairs, 106th Congress 44-45 (2000). This is found in Chuang, “The United States as Global Sheriff,” 449, fn. 44.

³¹⁸ This point is argued in “Human Trafficking Presents Worldwide Problem,” Presentation at the University of Virginia Law School. April 9, 2001. Available at: http://www.law.virginia.edu/html/news/2001_02/trafficking.htm.

the sex trade, especially from the former Soviet Union, shows that the issue sparked the same sentiments and compassion found in early abolitionists in the turn of the 20th century of “white slavery.” Policy makers responded to advocacy about problems of forced prostitution of East European and former Soviet women coming; they did not pay as much attention to the domestic problem of human trafficking.

Development of U.S. Policy on Human Trafficking

To understand the development of U.S. policy on human trafficking, and how a range of state and nonstate actors were able to put this issue on the political agenda in the United States, it is necessary to study the interaction among a range of actors in the civil society and government over the course of more than a decade.³¹⁹ Political culture to combat human trafficking in the United States as a domestic issue is driven by the legal statutes and policies that have been developed over the years that address slavery, peonage, debt bondage, and transportation across state borders for prostitution, for example. The legal statutes provide a fairly strict framework for U.S. domestic anti-trafficking activities. However, international activities are driven by much more ideological motivations.

³¹⁹ Trafficking in Europe in 1970s and 1980s included primarily women from the “global South.” Chris De Stoop, “*They are so Sweet, Sir: The Cruel World of Traffickers in Filipinas and Other Women*.” (Leuven, 1994), 103 identifies “waves” of migrant women into the sex trade in Europe. The first wave included Asian women from Thailand and Philippines; the second wave was Latin American and the third African women, especially from Ghana and Nigeria. It was not until the wave of women from Eastern Europe and the former Soviet Union began migrating for sex work – some trafficked, some not trafficked – that European policy makers took notice. This parallels the timing of American policy makers taking notice for similar reasons.

As mentioned earlier, the GSN, founded in 1994, played a remarkably instrumental role in the advocacy toward the U.S. government to raise awareness about the problem of Russian women being trafficked to Western Europe and the United States and being tricked into forced prostitution.³²⁰ GSN made an impact because they did undercover investigations whereby they set up bogus recruitment offices in Russia and gained information about the underground trafficking networks. They filmed their undercover investigations and showed their documentary called “Bought & Sold” widely in the United States. This was a highly effective advocacy tool because they were presenting something to people who had never seen anything like this before. The Global Survival Network was involved in the early negotiations of a U.S. anti-trafficking law, and provided compelling testimony to Congress in 1999 about trafficking of women into the U.S. and Europe.³²¹

The Vital Voices Global Partnership (the nongovernmental wing of the PICW) was launched at a conference in Vienna, Austria in 1997 at which time then First Lady Hillary Rodham Clinton’s staff learned of the possible trafficking of girls out of Ukraine for forced prostitution.³²² Ukrainian delegates to this conference pleaded with Vital Voices to help them with a serious problem of women disappearing in Ukraine. Organizers of the conference who were connected to the

³²⁰ GSN is the only organization which played such an influential role that no longer exists.

³²¹ Galster, *The Sex Trade*.

³²² See “September 10, 2004: For Sale or Rent— the Captive Daughters of Ukraine.” http://www.vitalvoices.org/desktopdefault.aspx?page_id=257 . Melanne Verveer, who was First Lady Hillary Rodham Clinton’s Chief of Staff at the time, was particularly moved by the Ukrainian delegates who pleaded with the Vital Voices staff at that conference to address the issue of trafficking. Verveer is of Ukrainian descent.

Clinton Administration, including Melanne Verveer, who is currently the Chair of the Board of Directors of the Vital Voices Global Partnership, felt compelled to return to Washington DC and tackle this issue that they were not even sure what to call.³²³ In addition, because Ms. Verveer is of Ukrainian descent, she felt particularly compelled to act.

The Clinton Administration and the Republican-led Congress conceived of the U.S. role in the global anti-trafficking movement differently. The Clinton Administration was more interested in international cooperation, and the Congress “sought to induce international compliance with ‘U.S.-defined minimum standards’ by threat of unilateral sanctions.”³²⁴ There was a time gap, however, in the time between when Clinton issued his executive memorandum and when the Congress started working on this issue.

The years 1999 and 2000 were turning point years in consolidation of U.S. congressional and NGO support for the issue of trafficking. In addition to the several congressional testimonies held about human trafficking, specifically trafficking for sexual exploitation, members of Congress introduced various bills on trafficking and sex trafficking.³²⁵

The Clinton Administration began supporting anti-trafficking projects around the world through United States Agency for International Development (USAID) and other government agencies. To provide protection and assistance for trafficking

³²³ Melanne Verveer, Vital Voices Global Partnership, personal communication with author, Washington, DC, May 9, 2007.

³²⁴ Chuang, “The United States as Global Sheriff,” 449.

³²⁵ Hyland, “Protecting Human Victims of Trafficking: An American Framework,” 60-61.

victims, the United States allocated funds to the Mekong Sub-region (Thailand, Cambodia, Vietnam, and Lao PDR) in order to provide return and reintegration assistance to victims of trafficking.³²⁶

Members of the U.S. Congress had to be educated about the issue. It was not yet a mainstream issue. In early 1999, Congress began holding hearings about human trafficking and invited U.S.-based nongovernmental organizations to testify on the scope of the problem of human trafficking. The Congressional co-sponsors of a developing policy on trafficking were greatly motivated by evidence presented by GSN that a steady stream of girls and women from the former Soviet Union into prostitution in the U.S. and Western Europe. Because (the now deceased) Senator Paul Wellstone's parents were from Ukraine, and GSN had done their research in Ukraine, this hit a nerve with him, and motivated him to act on the issue.³²⁷

In February 1999, Congressman Chris Smith (NJ-R) held a hearing in which there were victims of trafficking who came to talk and explain their experiences. On March 11, 1999, Senators Wellstone and Slaughter introduced on the Senate side the "International Trafficking of Women and Children Protection Act of 1999."³²⁸ On March 25, 1999, Congressman Smith submitted on the House side the "Freedom from Sexual Trafficking Act of 1999." Staffers involved with the process said this of Smith's bill:

³²⁶ Clinton Administration Anti-Trafficking Initiatives.

³²⁷ Protection Project Seminar Series. Joseph Abramowitz, David Oldham, Charlotte Moore, Jill Rees. "The Process of Building and Maintaining Bi-Partisan Support in Passing the Violence Against Trafficking Victims Protection Act." (October 25, 2000). Transcript on file with author.

³²⁸ Hyland, "Protecting Human Victims of Trafficking: An American Framework,"61.

Congressman Smith's bill started out covering only sex trafficking. Although we were aware that other kinds of trafficking exist, we judged that the worst kind of trafficking, the kind that demanded an immediate fix and behind which we would gather a consensus, involved people who were bought and sold into the sex trade by force or fraud. The Wellstone bill took a broader approach, dealing with various kinds of forced labor and labor abuses. We always maintained the idea that at some point we would need to find a way to merge these two concepts.”³²⁹

In fact, Michael Horowitz, along with the feminist organization Equality Now and other supporters of the Religious Right encouraged Smith to submit a bill to Congress that was only about sex trafficking of women and children.³³⁰

On June 28, 1999, Congressman Smith called a hearing entitled “The Sex Trade: Trafficking in Women and Children in Europe and the United States” to which he invited Anita Botti, Deputy Director for International Women's Initiatives, President's Interagency Council on Women (State Department), along with Steven Galster, Executive Director of the Global Survival Network. At that testimony, Chris Smith stated:

Although trafficking has been a problem for many years in Asian countries, it was not until the end of communism in East-Central Europe and the break up of the Soviet Union that a sex trade in the OSCE region began to develop. This appalling trade has grown exponentially over the ensuing decade. Trafficking is induced by poverty, lack of economic opportunities for women, the low status of women in many cultures, and the rapid growth of sophisticated and ruthless international organized crime

³²⁹ Abramowitz, Oldham, Moore, Rees. “The Process of Building and Maintaining Bi-Partisan Support in Passing the Violence Against Trafficking Victims Protection Act.”

³³⁰ Anonymous NGO Activist, personal communication with author.

syndicates. Trafficking rings exploit vulnerable women and children; and amidst the devastated economies of Eastern Europe and the newly independent states where women are unable to find jobs, traffickers have no shortage of potential victims.³³¹
[emphasis added]

The relevance of the italicized words is to show that U.S. policymakers did not pay attention to this issue until it was affecting white, European women. Congressman Chris Smith admitted to this fact. Significantly, Anita Botti at this hearing publicly reads a definition of trafficking that becomes the basis for the definition of trafficking in the final law and also the UN Protocol.³³²

On September 14, 1999, Congressman Smith calls another hearing in which he invited Harold Hongju Koh, Assistant Secretary of State, Bureau of Democracy, Human Rights and Labor, U.S. Department of State, to speak. Koh made two important arguments at this hearing, neither of which was heeded by the drafters of successive bills. First, Koh opposed creating new mechanisms of reporting on human trafficking because “human trafficking” had just been incorporated into the annual U.S. Department of State Human Rights Reports. Second, he argued that creating mandatory sanctions on governments would do little to prevent trafficking or protect

³³¹ Galster, *The Sex Trade*.

³³² Anita Botti, former U.S. Department of State official, personal communication, Washington, DC, June 2, 2007.

victims, whereas creating “economic alternatives to trafficking, not punishment of state entities, [would] most likely...provide relief to victims.”³³³

On October 27, 1999, Senator Wellstone and Congressman Gejdenson both submitted identical bills to the Senate and House, respectively, entitled “Comprehensive Anti-Trafficking in Persons Act of 1999 that was officially supported by the Clinton Administration.”³³⁴ In fact, the Department of Justice (DOJ) had a hand in writing this bill. DOJ was trying to ensure that there was an element of coercion to the aspect of being trafficked. This version also does not include any sanctions or mandatory measures to be taken against foreign governments. Chuang writes:

The crime of “forced labor” fills a gap in the criminal law by including psychological coercion as an element, thus enabling prosecution of traffickers where force or threat is less obvious. Previously, traffickers were prosecuted for the crime of “involuntary servitude,” for which psychological coercion was insufficient to prove the crime.³³⁵

On November 8, 1999, Congressman Smith (along with 8 co-sponsors including Gejdenson) submitted to the House H.R. 3244 “Trafficking Victims Protection Act of 1999.” This was considered the most comprehensive bill thus far and was supported by Congress and the White House.³³⁶ On February 22, 2000,

³³³ Harold Kongju Koh, “Trafficking of Women and Children in the International Sex Trade.” Testimony to U.S. Congress, House of Representatives, Committee on International Relations, (September 14, 1999).

³³⁴ Hyland, “Protecting Human Victims of Trafficking: An American Framework,” 61.

³³⁵ Chuang, “The United States as Global Sheriff,” 450, fn. 52.

³³⁶ Hyland, “Protecting Human Victims of Trafficking: An American Framework, 61.

Senator Brownback called a hearing in which he invited Frank Loy, Undersecretary of State for Global Affairs, U.S. Department of State. At the same Hearing Regan Ralph, Executive Director, Women's Rights Division, Human Rights Watch was invited as well. April 4, 2000, Senator Brownback called another hearing in which Laura Lederer³³⁷ of the Protection Project was asked to speak about the "Trafficking of Women and Children." On May 9, 2000, H.R. 3244 was passed by a voice vote in the House of Representatives.

After the voice vote, Wellstone and Brownback worked together to revise it to be the "Trafficking Victims Protection Act" of 2000. On July 27, 2000, the TVPA 2000 was unanimously passed in the Senate. House and Senate versions went into committee to be negotiated into one bill. October 5, 2000, the committee released its report and recommended a reconciled bill. On October 6, the House passed the reconciled bill, and on October 11, the Senate passed the bill. On October 28, 2000, President Clinton signed the bill into law. Modeled on the Clinton Administration's "three P's" framework, the TVPA included innovative measures aimed at prosecuting traffickers, preventing trafficking, and protecting trafficked persons.³³⁸

Most people who were involved in the writing of the TVPA agreed that it was truly a bipartisan effort. However, if one was not involved at the very rarified levels of Congress and the White House, it would be difficult to see that, in fact, there was much struggle over whether the U.S. law would be a sex trafficking law or a

³³⁷ Recall that Laura Lederer appropriated funding for the Rotterdam conference through the Ford Foundation in the early 1980s.

³³⁸ Chuang, "The United States as Global Sheriff," 450.

comprehensive trafficking law. It is necessary to peel away the layers of advocacy. One of the ways that there was compromise on this issue, and thus a compromise between the conservatives and the liberals, was the “severe forms of trafficking” clause described above.

The staffers of members of Congress who were involved in the development of the bill in the House and Senate gave a presentation at the Protection Project in Washington, DC three days before President Clinton signed the bill into law in 2000. The key members of the Senate were Wellstone and Brownback, and Smith and Gedjensen in the House of Representatives. At this Protection Project presentation, one of the staffers who worked for Wellstone stated,

The other thing that really struck me about this process was the bipartisanship. Because of the polarized nature of today’s Congress, this bill would never have gone anywhere if it had not been for strong bipartisan efforts....My boss, Paul Wellstone, is noted as one of the most liberal members of the U.S. Senate. Senator Brownback, who carried this bill with him in the Senate, is one of the more conservative members of the body. Having two very opposite people from opposite parties on our side enabled us to extinguish many of the fires that erupted along the way....Joseph mentioned the power of NGOs. After working in NGO’s for some time, I became demoralized, convinced that they did not make an ounce of difference. *Now, my view of NGOs has changed radically. You all do amazing work. Never underestimate how much you push us around and how effectively you do so. The coalition behind this bill moved the bill forward. Without the coalition, it would never have amounted to anything.* [emphasis added]

My own boss's involvement in the process was very much driven by the work being done by NGOs. *Paul's parents fled persecution in Ukraine. Due to his Ukrainian roots, he has always been very interested in what is going on in the former Soviet Union and Ukraine. And when Gillian Caldwell of Global Survivor Network published a report on the flow of women out of the NIS and Russia, that report became the roadmap for a resolution that Paul introduced in 1997 or 1998 on this issue.*³³⁹ It spelled out his goals for legislation addressing the issue. Without that report, this resolution would not have happened, and, this process would never have been initiated on the Senate side. As all of us who worked on the bill understand, we would not have succeeded had it not been for the various members of the coalition who continued to push us forward. We could not have done it without you, and we really thank you for that.³⁴⁰ [emphasis added]

What is so important about this statement is that we are privy to insight into why some U.S. law makers began taking such a strong interest in this issue. The members of Congress who were working on this were called an “extraordinary coalition” by their staffers because a unique coalescing of conservatives and liberals were participating in the passage of this law: they agreed on one point – prostitution was inherently exploitive and should be abolished.

³³⁹ Global Survival Network (GSN), *Crime & Servitude: An Expose of the Traffic of Women for Prostitution from the Newly Independent States* (Washington, DC. 1997).

³⁴⁰ Abramowitz, Oldham, Moore, & Rees, “The Process of Building and Maintaining Bi-Partisan Support in Passing the Violence Against Trafficking Victims Protection Act.”

Post 2000: Maintaining Trafficking on the Political Agenda

The advocacy coalitions did not end their work after the law was passed, they simply re-constituted their networks.

Washington, DC as a Political Arena for Trafficking Debates

Washington provides a very interesting political space in which to be an anti-trafficking activist and advocate. There have been and still are several organizations that operate from the United States as a base, but do their investigatory work in other countries. This was the case with the Global Survival Network that is no longer in existence, in addition to IJM, Vital Voices Global Partnerships, and Prevent Human Trafficking.

With the information that these INGOs gather, they do not have to travel far in the circles in Washington to share their information and advocate about a particular issue. Nor do they have to travel far to find money if they are able to connect with the right people in Washington. Before the TVPA was passed, people in Congress were very open to listening to the information that was being collected by GSN or Human Rights Watch because they were not able to get this information from other sources. Global Survival Network brought to the attention of the U.S. public and the U.S. government the trafficking of women from the former Soviet Union. These organizations opened a window for people who had the means and desire to act, and the political conditions were appropriate.

Still in Bed? Unlikely Coalitions Persist

Despite the claim by Stolz that the coalitions were not strong, hindsight shows that the religious right conservatives' and the feminist abolitionists' cooperation on the linkages between prostitution and trafficking was sufficient enough to maintain Congressional support of the issue of human trafficking, especially of the Republicans, years after the passage of the TVPA. After the TVPA was passed, it took just two to three years for the conservatives and feminist abolitionists to consolidate their power in the Department of State with regards to how trafficking would be addressed as an international problem. The two presidential administrations of George W. Bush beginning in 2000 have provided the necessary environment for religious-right conservatives and feminist abolitionists to continue to be able to continue their advocacy within a loosely organized coalition.

By now, frames of trafficking are clearly demarcated. Organizations like the Polaris Project and the Protection Project are neither considered feminist or faith-based but are abolitionist organizations that have received a great deal of money from the U.S. government for the work they do in Washington in particular, and the U.S. in general. They have learned to speak the language of the faith-based and feminist abolitionist groups. The focus of the advocacy coalitions was maintaining the belief that prostitution and trafficking are synonymous.

This changed to a mix of faith-based, feminist abolitionist, and abolitionist (those who could “speak the language” of the faith-based groups) organizations who aligned themselves well. International War Against Trafficking Alliance, formed in January 2001, was made up of Shared Hope International, Salvation Army, Protection Project, and the International Justice Mission – three out of four were faith-based

NGOs. The Alliance successfully petitioned congress to authorize and fund the worldwide summit to be held in America. The Department of State, in partnership with the non-governmental War Against Trafficking Alliance, hosted the international conference on “Pathbreaking Strategies in the Global Fight Against Sex Trafficking” on February 23-26, 2003, in Washington, D.C. Representatives from NGOs, government ministries, journalists, and local law enforcement officials from around the world were invited and expenses covered. The conference was organized in an “interactive workshop format” and participants were invited to share their ideas and experiences about good practices to combat trafficking in an informal roundtable format. However, the conference was highly criticized, by human rights NGOs that did not care for these organizations not only for declaring war on trafficking, but for the amount of money spent on the conference: US\$1.8 million as well as the proclamation from Congressman Chris Smith that trafficking would be eradicated in 10 years.

As the years have gone by, the two opposing networks on the relationship between trafficking and prostitution have entrenched themselves deeper politically and have made few efforts to find common ground. An interesting example of the debate between the two camps is the response of the conservative side to an article clearly meant to criticize the activities of the right. In November 2004, Tara McKelvey published an article “Of Human Bondage” in *American Prospect*.³⁴¹ Christina Arnold, Executive Director of Prevent Human Trafficking, was featured

³⁴¹ Tara McKelvey, “Of Human Bondage,” *American Prospect* (November 2, 2004). <http://www.prospect.org/web/page.wv?section=root&name=ViewPrint&articleId=8763> (Visited March 24, 2007).

prominently in the article, specifically detailing her experiences in Svay Pak, Cambodia. The article discussed the negative consequences of American development policies with regard to children working in the sex industry in Cambodia, and Arnold was quoted as criticizing American policy. After the article was published, Michael Horowitz, a well-known, staunchly conservative pundit in Washington,³⁴² called Arnold and told her that she had “gone over to the dark side.”³⁴³ In addition, Horowitz sent a letter to the editor of the *American Prospect*, refuting many points of the article, a letter that was never printed.³⁴⁴ Horowitz is known among the anti-trafficking community of activists and advocates in Washington to dictate conservative anti-trafficking policies from behind the scenes in Washington, and he holds much clout in certain circles.

³⁴² About Michael Horowitz
http://www.hudson.org/learn/index.cfm?fuseaction=staff_bio&eid=HoroMich

³⁴³ Christina Arnold, Prevent Human Trafficking, personal conversation with author.

³⁴⁴ Horowitz writes: “The initiative against sex trafficking is a great crown jewel of public policy achievement. Countries throughout the world know of America’s resolve to abolish the mass slave trade of women and children. Women’s groups throughout the world know it as well, and it’s no surprise that Senator Hillary Clinton recently offered profuse public praise to Ambassador Miller and the work he is doing. NGOs throughout the world that for years were silenced and underfinanced for seeking to wage war on trafficking mafias are now flourishing. Led by John Miller, who enjoys the personal and passionate support of President Bush, the war against the slavery issue of our time is thus proceeding spectacularly apace. It’s an effort that will not be deterred by the self-serving complaints of a few previously funded NGOs whose “public health” perspectives blind them to the urgent need to eliminate trafficking mafias, and whose self-fulfilling prophecies that those mafias can never be curbed are now, happily, being proven wrong every day.” Excerpt of Horowitz letter to *American Prospect*. Copy of this letter on file with author.

A Tipping Point in Anti-Trafficking Norms Evolution?

The political outcomes of the efforts of nonstate actors represent a tipping point in the way that the international community addressed trafficking. After 2000, the international political environment to work on this issue changed dramatically. As has been established, one of the primary motivations of the U.S. government to act on trafficking was as an international issue and not a domestic issue.

Although the United States was not the first country to begin addressing human trafficking legally or otherwise, it can boast one of the most comprehensive and progressive laws in the world on trafficking. Some of its key features are that it covers all forms of trafficking in persons, including labor trafficking and “sex trafficking.” It called for the creation of a new office at the U.S. Department of State, the TIP Office, and it requires this office to provide a list to the U.S. Congress every year on which countries are meeting U.S. “minimum standards” to combat human trafficking (this list has turned into a massive report sent to Congress every June). The United States is the only country in the world that creates a separate visa category for individuals who are deemed to be victims of trafficking. The T-visa allows the person to remain in the United States for up to three years, and then sets up provisions for the person to apply for permanent residency. It has set aside 5,000 T-visas per year. The TVPA allows the President to impose non-humanitarian, non-trade related sanctions³⁴⁵ on other governments who are not meeting “minimum standards” of combating trafficking delineated by the TVPA.

³⁴⁵ The Trafficking Victims Protection act defines non-humanitarian, nontrade related sanctions as “any assistance under the Foreign Assistance Act of 1961, other than” disaster relief assistance, anti-terrorism assistance, assistance for refugees, humanitarian and other and development assistance.

Office to Monitor and Combat Human Trafficking

The conservative bent of the TIP Office was the glue that held these loosely-formed networks together. TIP office raised the bar on this issue. The TIP office was first headed by a political appointee close to the Clinton Administration. Ambassador Nancy Ely Raphael lasted until mid 2003 when she was replaced by a former Republican Congressman from Washington State, John Miller. John Miller admittedly knew very little about trafficking when he assumed the role of the powerful TIP office, however, he was very easily swayed by the organizations that visited him often – Shared Hope International and International Justice Mission. John Miller who was bestowed the title of Ambassador at Large in 2005, was a target for liberal and conservative organizations alike. Ambassador Miller gained the support and confidence of the conservative organizations and he became known for his table pounding speeches about eradicating prostitution. He was greatly disliked by human rights advocates and organizations because of his unsophisticated way of talking about the issue.

Ann Jordan, Director of the Anti-Trafficking Initiatives at Global Rights, relayed an interesting anecdote at a conference at the American University Washington College of Law. She discussed the 2005 Department of State Fact Sheet, “The Link between Prostitution and Sex Trafficking,”³⁴⁶ outlining the Bush Administration’s position on the relationship between prostitution and trafficking.

³⁴⁶ U.S. Department of State, “The Link between Prostitution and Sex Trafficking,” Bureau of Public Affairs (Washington, DC: November 24, 2004). Available at: <http://www.state.gov/r/pa/ei/rls/38790.htm> (accessed June 1, 2007).

This policy position supports the firm belief that all forms of prostitution, whether voluntary or involuntary, are trafficking. Several activists, advocates, and academics questioned the reliability of the research cited in the fact sheet, and asked the Director of the TIP Office, Ambassador John Miller, to clarify the research. Jordan stated that Miller's response was that "it is obvious to us as stated in the fact sheet that prostitution fuels the increase in sex trafficking." She also reported that he said "it's obvious because President Bush said it was true at a statement he made at the United Nations." Jordan argues that "this unsupported assertion is not a sound basis for policy making."³⁴⁷

U.S. Styles of Agenda-Setting

At the outset of intensive advocacy to the U.S. government on the part of a variety of ideologically motivated organizations, trafficking, particularly for women and children into prostitution, was perceived to be happening somewhere else, particularly in developing countries. Congress was very receptive to advocacy this problem happening in other countries, and this in turn encouraged the creation of dozens of new organizations hoping to benefit from the newfound interest in this international phenomenon. Organizations presented it in such a way that made the U.S. government feel morally responsible for trying to solve a problem about which they knew very little.

³⁴⁷ Ann Jordan, Director, Initiative Against Trafficking in Persons, Global Rights. "Forced Labor and Slavery: The Other Side of Trafficking." Washington College of Law, American University conference, February 8, 2007. Presentation attended by the author.

Although the TVPA was negotiated and passed under a politically liberal presidential administration and a conservative Congress, the law has been operationalized and implemented under a conservative presidential administration and a conservative Congress. In fact, the TVPA was one of the last bills that President Clinton signed into law before he left office in 2001. Since 2001, when President Bush came into power, along with many other elected and appointed conservatives to posts relevant to combating trafficking, a political environment of a specific ideology was favored with all things having to do with the interpretation and operationalization of the norms in the law. A strange alliance between political conservatives and feminist abolitionists turned out to be extremely successful with regards to framing trafficking to be primarily a problem related very closely to voluntary and involuntary prostitution.

Under the law, the U.S. congress made available hundreds of millions of dollars over the course of several years to address human trafficking as an international problem through international development aid mechanisms – namely USAID, the U.S. Department of State, and the U.S. Department of Labor. Because of the close partnering between the Christian right, the feminist abolitionists and the US government under the Bush administration, the majority of the development aid focused on prostitution in other countries in the context of human trafficking.

Domestic Agenda-Setting

Because the TVPA only created a monitoring office in the Department of State, and did not create a comparable domestic monitoring office for trafficking, two

interesting things happened: first, the domestic response was less driven by ideological motivations about prostitution *at the outset*; and second, the U.S. domestic response was more *ad hoc* and less developed for the first three to four years of the law's implementation.

Between 2001 and 2006 feminist abolitionists and conservatives in the United States were fully empowered to pursue their anti-prostitution agenda because of the control of a Republican White House and a Republican Congress. To the chagrin of more liberally-minded human rights activists who were greatly silenced over these years, Democratic support of the trafficking issues almost disappeared; there were no Democratic champions of the trafficking issue left in Congress. In a 2004 conversation with a Democratic staffer who had been involved in the writing of the TVPA in 2000, he admitted that few Democrats in Congress had any interest left in the issue; moreover, he had been unaware of the silencing tactics of those in power.³⁴⁸

International Agenda-Setting

The policies and resources behind the TVPA set up the foundation for U.S.-based nonstate actors to venture forth to other countries and enforce how the U.S. frames human trafficking. Different advocacy groups have developed for different regions of the world that lead to dynamic political debates in Washington. For example, when activities of implementation of the TVPA began in full force in 2001-2002, a great deal of attention was paid to two regions in particular: Eastern Europe/

³⁴⁸ Tragically, a staunch Democratic supporter and one of the co-sponsors of the TVPA, Senator Paul Wellstone, died in a plane crash in 2002.

former Soviet Union, and Southeast/ East Asia. These were considered regional hotspots for human trafficking. Funding patterns of anti-trafficking projects show a bias towards these regions. U.S. government funding for anti-trafficking projects in Thailand, for example, peaked in 2004 with US\$2.4 million. In 2006, funding levels had decreased to US\$650,000. In 2005 and 2006, regions that experienced increased funding were Latin America and Africa. NGOs in the countries of these regions developed later, whereas NGOs had existed for years in Southeast Asia.

Conservative and Christian faith-based organizations enjoyed increased access to funding to combat human trafficking both domestically and internationally, regardless of whether their project proposals or implementation models were sound or effective. Organizations such as the International Justice Mission, Shared Hope International, the Polaris Project, the U.S. Conference of Catholic Bishops, and Catholic Charities have received substantial grants to conduct anti-trafficking work domestically and internationally.³⁴⁹

In 2004, the TIP Office issued a Fact Sheet entitled “The Link between Prostitution and Sex Trafficking”³⁵⁰ to make their position on the issue clear. The issuing of this Fact Sheet was directly connected to a statute added to the 2003 TVPA Reauthorization that prohibited U.S. government funds from being used “to promote, support, or advocate the legalization or practice of prostitution.” Organizations

³⁴⁹ U.S. Department of Justice, *Attorney General’s Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons Fiscal Year 2006* (Washington, DC, May 2007) has a list of funded organizations.

³⁵⁰ U.S. Department of State, “The Link between Prostitution and Sex Trafficking,” Bureau of Public Affairs (Washington, DC: November 24, 2004). Available at: <http://www.state.gov/r/pa/ei/rls/38790.htm> (accessed June 1, 2007).

targeting sexual exploitation and being funded by the U.S. government were required to pledge “in either a grant application, a grant agreement, or both, that it does not promote, support, or advocate the legalization or practice of prostitution.”³⁵¹ The U.S. government was particularly supportive of a particular frame of trafficking that would affect how norms of prevention and protection would be interpreted in the United States and other countries.

In the early years of the TVPA implementation, more liberal-minded, human rights activists began to be silenced and essentially “went underground” for a number of years. The silencing took several forms: 1) limited funding to organizations for international programs that were not politically aligned with the conservative framing and ideology; 2) individuals whose organizations accepted U.S. government funding to implement trafficking or other development activities had to be careful about what they would say in public about the U.S. government’s anti-trafficking policies.

Some Congressional leaders and faith-based organizations believed that pressuring other governments through the threat of sanctions to improve their anti-trafficking record was an important foreign policy tool that the United States could wield.

One point that many in the Clinton Administration opposed was mandatory sanctions against countries that did not meet the standards delineated by the U.S. government. In his September 1999 testimony, Harold Koh, then assistant secretary of state, Bureau of Democracy, Human Rights and Labor wrote about one of the draft

³⁵¹ *Trafficking Victims Protection Reauthorization Act of 2003, U.S. Code 22 (2003), § 7101, Section 7.*

bills: “The draft House bill...appears to be modeled after the International Religious Freedom Act of 1998 (IRFA) particularly its emphasis on mandatory sanctions.”³⁵²

Harold Koh also argued strongly against creating a new bureaucracy to combat trafficking, and instead he thought the U.S. government should focus on strengthening its existing human rights enforcement mechanisms. Since the U.S. Department of State was already reporting on governments’ efforts to combat trafficking in persons (an addition to the Department of State’s Human Rights reports in 1999 at the behest of Paul Wellstone), Koh did not see the necessity of writing separate reports in a separate office; the diplomatic tools were already at the U.S. government’s disposal. Koh’s view ultimately failed to sway Congress. The U.S. government established a new office, new reporting, and new sanctions mechanisms to combat trafficking.³⁵³ The individuals such as Michael Horowitz and Sam Brownback who were involved in the International Religious Freedom Act had included a sanctions element in that law, and the political compromising led to the sanctions to be included in the TVPA.

³⁵² Koh, “Trafficking of Women and Children in the International Sex Trade.” This comment is significant because it clarifies a comment from an activist who was involved in negotiations of the TVPA. She said that the “religious right” was very involved in the negotiations of the TVPA, thus a strong focus on sanctions and the sexual exploitation aspect of trafficking in the TVPA.

³⁵³ Chuang, “The United States as Global Sheriff,” 456; Koh, “Trafficking of Women and Children in the International Sex Trade.”

U.S. NGOs and Government as Enforcers of International Norms

After the passage of the Protocol, organizations such as GAATW that had been at the forefront of motivating a global response to trafficking became involved in lobbying governments to sign and pass the Protocol. However, because there are few enforcement mechanisms in the Protocol, the UN was not able to assume a global leadership position in the fight against human trafficking.

As a result, GAATW lost its momentum as the United States took advantage of the global leadership vacuum on enforcement of anti-trafficking norms. U.S. unilateralism with regard to the norms has been problematic. One of the primary problems with the U.S. norms is that the “minimum standards” that are outlined in the TVPA are “poorly articulated and inconsistently applied.”³⁵⁴ The U.S. law has extraterritorial reach with the sanctions regime “authorizing the President to withdraw U.S. (and certain multilateral) non-trade-related, non-humanitarian financial assistance from countries deemed not sufficiently compliant with the U.S. government’s “minimum standards for the elimination of trafficking.”³⁵⁵

Chuang (2006) argues that the Trafficking Victims Protection Act has forced U.S. norms into the international arena “which risks undermining the fragile international cooperation framework created” by the Protocol.³⁵⁶ However, the cooperation framework collapsed soon after it was apparent that the UN was not going to be able to enforce the principles laid out in the Protocol. The United States

³⁵⁴ Chuang, “The United States as Global Sheriff,” 439.

³⁵⁵ Ibid.

³⁵⁶ Ibid.

took advantage quickly of that gap after it viewed the reaction of the international community to its tier designations in the Trafficking in Persons Report published by the U.S. Department of State in 2001, and all subsequent years. Because the TVPA includes a sanctions regime used as a foreign policy tool, the “TVPA reaches beyond U.S. borders to affect anti-trafficking policy abroad.”³⁵⁷ The threat of sanctions “elevates U.S. norms over international norms by giving the former teeth that the latter so often lack.” The sanctions regime allows the U.S. to impose its own anti-trafficking paradigm on other countries,³⁵⁸ a paradigm that has a slightly different definitional relationship between trafficking and prostitution than the internationally accepted definition of trafficking.

The sanctions regime and regular U.S. government engagement with other governments have influenced many countries to develop laws and policies to combat human trafficking. What is interesting is that “the legal norms the United States encourage other governments to adopt and employ selective (and sometimes misleading) references to the [UN] Protocol norms.”³⁵⁹ Chuang (2006) examines closely the relationship between the imposition of U.S. norms and international norms. The United States has supported nearly all of the norms delineated in the UN Protocol, except for one “bait and switch” tactic the U.S. government has employed. This tactic, mentioned above, refers to the difference between “sex trafficking” and “severe forms of sex trafficking” defined in the TVPA.

³⁵⁷ Ibid.

³⁵⁸ Ibid.

³⁵⁹ Ibid., 439-440.

U.S. organizations also took advantage of this vacuum, and both with a sense of empowerment as well as the ability to ride on the coat-tails of U.S. government power, they decided to travel to other countries ostensibly to combat trafficking. For example, the International Justice Mission opened an office in Thailand in 2001 to try to put an end to prostitution in Northern Thailand. They came to Thailand with “arrogant perceptions” that child prostitution was some aberration of the Thai culture that could be fixed by better knowing Western, white, males (and females). Restore International is another IJM-like organization whose goals are to rescue girls out of prostitution in India. When asked if they partner with any other organizations in the communities in which they work, the president of the organization said that they do not partner with any other organizations. They simply work with police to encourage them to raid brothels where there might be underage prostitution.

Gunning (1991) defines arrogant perceptions as the “ethnocentrism in analyzing culturally challenging practices.”³⁶⁰ According to Gunning, “a key aspect of arrogant perception is the distance between ‘me’ and ‘the other.’” What was particularly extra-ordinary is that these organizations could send over individuals who would spend time within the cultural context and continue to impose Western lenses or “falsifications” and “oversimplifications” onto the Thai and Indian people. As former American lawyers and law enforcement officers, IJM was poorly suited to work in the Thai context because they could not speak Thai and knew little of the Thai justice system, not to mention the cultural contexts in which prostitution had

³⁶⁰ Gunning, “Arrogant Perception, World-Travelling and Multicultural Feminism,” 198, paraphrasing Marilyn Frye, “In and Out of Harm’s Way,” in *The Politics of Reality: Essays in Feminist Theory* (1983).

developed and the already functioning domestic advocacy network of organizations trying to address it.

IJM, Restore International, and other U.S. organizations such as Shared Hope International and the Polaris Project operating in other countries benefited greatly from the political alliances and networks among feminist abolitionists and conservatives in Washington represented among NGOs and government officials and bureaucrats. Because of the conservative presidential administration in power in the U.S., the alliances were also able to influence funding decisions that appeared to benefit organizations and individuals with conservative, ideological leanings and who stood on the “right” side of the alliance.

Conclusion

The United States has placed the issue of trafficking high on the institutional agenda. For example, since 2004, President George Bush has been addressing the United Nations and in every speech, he has mentioned the importance of addressing human trafficking around the world. Not only is this one of the ways that President Bush has kept this issue high on the international political agenda, but it has provided legitimacy for the State Department to continue to use its sometimes heavy-handed foreign policy tactics to get other governments to change/improve their policies to combat human trafficking.

Why did it take so long for the U.S. to address human trafficking despite the advocacy and activism originating in Asia for nearly two decades? It is clear that

American lawmakers were primarily motivated by the presence of white women in forced prostitution in Europe and the U.S. and admittedly were not similarly moved by Asian women and children in forced prostitution. However, once awareness of global forced prostitution was established, a variety of organizations began spotlighting the problem of forced prostitution.

Once lawmakers and other organizations found out about the problem, Thai child prostitution became a focus of organizations. The U.S. government driven by close collaboration between religious conservatives and abolitionist feminists created a policy and financial framework for an international response to trafficking. This created the environment and opportunity structure for new organizations to form, and empowered them to go overseas to address the issue of trafficking in other countries.

As the years have gone by, the two opposing coalitions on the relationship between trafficking and prostitution have entrenched themselves more deeply politically and have made few efforts to find common ground.

Chapter 5: Thai Nonstate Actors Respond to U.S. Styles of Agenda-Setting

Introduction

This chapter explains what happens when hegemonic state and nonstate actors try to set the agenda on an issue in a developing country where there are already robust domestic advocacy networks and established norms of action. It discusses what happened when the U.S. put the issue on the agenda and how the Thais responded to the agenda-setting. The previous two chapters have outlined agenda-setting and policymaking efforts in both Thailand and the United States. In Thailand, problems of trafficking in Thailand and the efforts of transnational advocacy networks based in Thailand were not central to U.S. agenda-setting efforts. However, after the U.S. government developed policies on human trafficking in 2000, they allocated resources to U.S.-based nonstate actors to go to many countries, including Thailand, and implement anti-trafficking projects. The initial efforts by U.S.-based nonstate actors who went to Thailand after 2000 to address trafficking were based more on false assumptions, perceptions, and naiveté than evidence-based research. As we will see, a clash of norms led to the creation of a transnational advocacy network, not against another state *per se*, but against a nonstate actor. However, the development of this transnational advocacy network did not follow the prescribed boomerang pattern by Keck and Sikkink (1998). This chapter refutes several assumptions of

Keck and Sikkink's boomerang pattern as an appropriate tool to understand why transnational advocacy networks develop.

U.S. Agenda-Setting on Human Trafficking in Thailand

When the U.S. did begin addressing trafficking in the late 1990s, the efforts were spearheaded by a diverse group of human rights, conservative, faith-based, and feminist organizations. A strong U.S. policy was developed, financial resources were allocated, and power was consolidated among an unlikely coalition of conservative, religious-right groups and feminist abolitionists. After the law was passed, the U.S. government developed other policies that further solidified U.S. focus on prostitution as the primary frame for addressing human trafficking.

The enormous allocation of financial resources, some of it going to U.S.-based nonstate actors who were members of an advocacy coalition of faith-based and feminist abolitionist groups provided the opportunity to push a particular agenda, especially in other countries. Funding was allocated by the U.S. government in 2001 to combat human trafficking in Thailand. Whereas the majority of the funding was given to Thai-based nonstate actors to implement prevention and protection projects as well as direct funding to the Thai government for police training, some money was given to U.S.-based nonstate actors to work in Thailand. One such organization that received funding from the U.S. government to combat "sex trafficking" in Thailand was the International Justice Mission. At the same time, the U.S. used the foreign

policy tool of the Trafficking in Persons Report to pressure the Thai government to improve its policies on human trafficking.

As was mentioned in Chapter 1, U.S. government motivations to address human trafficking were not initially affected by Thai advocacy and activism. However, once the U.S. government put human trafficking on its institutional agenda, Thailand became a major focus for financial resources and political attention by the U.S. government and U.S.-based nonstate actors. The motivations for this attention stem from Western and American perceptions of Thailand.

Thailand's trafficking situation has attracted much attention from the international organization community (nongovernmental and governmental), and other foreign governments, particularly the United States. The media and some academic research have portrayed Thailand to have a serious problem of trafficking for forced sexual exploitation, as well as a serious problem with prostitution.³⁶¹ Evidence of severe labor trafficking has also been published by international organizations.³⁶² Thailand's reputation as "Asia's brothel" comes from a long history of highly visible prostitution districts in Bangkok, Chiang Mai, Pattaya, and Phuket. Factors that have been linked to the growth of the sex industry in Thailand include

³⁶¹ See Ryan Bishop and Lillian S. Robinson, *Night Market* (New York: Routledge, 1998); Leslie Ann Jeffrey, *Sex and Borders* (Honolulu, HI: University of Hawaii Press, 2002); Lin Lean Lim, ed. *The Sex Sector* (Geneva: International Labour Office, 1998a).

³⁶² Robertson Jr., Philip S, ed., "The Mekong Challenge: Working Day and Night, The Plight of Migrant Child Workers in Mae Sot, Thailand," in *The Federation of Trade Union-Burma Migrants Section* (Bangkok: International Labour Organization, 2006); Elaine Pearson, Sureeporn Punpuing, Aree Jampaklay, Sirinan Kittisuksathit and Aree Prohmno, *The Mekong Challenge: Underpaid, Overworked and Overlooked: The Realities of Young Migrant Workers in Thailand (Volume 1)* (Bangkok: International Labour Organization, 2006).

gender roles, economic development, and tourism.³⁶³ Many experts agree that the highly visible sex industry is a small proportion of the overall industry in Thailand, and the girls and women who are involved in the visible industry are rarely considered trafficked. For example, David Feingold's research on the changing characteristics of the Thai sex industry is what concerns many organizations – more hill tribe, Burmese, and Laotian girls and women are being trafficked into the aspect of the sex industry that is not visible to Westerners, and is often highly exploitive. Organizations and individuals involved in trying to address sex trafficking in Thailand did not understand the complex dynamics of the sex industry in Thailand and made assumptions that the women involved were all forced into the sex trade.

U.S. Pressure and Support for Thai Government and Thai-based Nonstate Actors

The U.S. government has supported efforts to address human trafficking in Thailand since 2001 through several means. The first is the U.S. Department of State liaising with both the Royal Thai Embassy in Washington, DC, with U.S.-based nonstate actors, and directly with Thai activists when they visit the U.S. The U.S. government is engaged in Thailand through the U.S. Embassy in Bangkok and the USAID Bangkok regional office. Before the new U.S. Embassy was built in Iraq, the U.S. Embassy in Thailand was the second largest in the world after the U.S. Embassy

³⁶³ Wathinee Boonchalaski and Philip Guest, "Prostitution in Thailand," in *The Sex Sector*, ed. Lin Lean Lim (Geneva: The International Labour Office, 1998), 132.

in Mexico.³⁶⁴ The U.S. government is invited to and attends most meetings and conferences on trafficking in Bangkok and elsewhere in Thailand. The Thais strategically invite the Americans to participate in the Thai national processes on addressing trafficking that provides a steady stream of financial and political support for the Thai government.

In 2002, in a briefing with the State Department Trafficking in Persons office before a trip to Thailand, a U.S. government official confirmed that Thailand was the only country in the East Asia Pacific region³⁶⁵ whose government received direct funding to combat human trafficking. All other countries in the region received funding indirectly through mechanisms such as IOM or TAF.

The U.S. government has allocated millions of dollars in funding of numerous anti-trafficking projects in Thailand and the Mekong Sub-region. However, as we will see, the strength and savvy of many anti-trafficking organizations do not merely play the pawn of the U.S. government. Instead, they engage the U.S. government and each other, sometimes cooperatively and sometimes contentiously, on the best ways to combat human trafficking in Thailand. Thai NGO activists and Thai government officials interviewed were quick to point out that not only did the U.S. government provide a degree of healthy pressure on the Thai government, but it also provided much support for the anti-trafficking activities. This support most certainly comes in

³⁶⁴ Tim Scherer, U.S. Embassy in Thailand, personal communication with author, Bangkok, Thailand, November 2005.

³⁶⁵ East Asia Pacific covers Southeast and East Asia, and the Pacific countries.

the form of financial resources going directly to the Thai government and to Thai NGOs.³⁶⁶

The relationship between the two governments is operationalized formally in several ways. First, the U.S. government and the Thai government interact through the U.S. Embassy in Bangkok. U.S. government officials engage regularly with Thai officials.³⁶⁷ An official of the U.S. Embassy told me that the U.S. government has “a very good, constructive relationship with the Thai government on trafficking issues.” The U.S. government “engage[s] them informally and formally, usually through one-on-one meetings between Embassy officers and Thai officials at the Ministry of Foreign Affairs, the Ministry of Social Development and Human Security, and the Ministry of Labor, but sometimes through interventions by the [United States] Ambassador at the ministerial level.” U.S. government “also engage[s] directly with police units dealing with trafficking cases” and the U.S. government “attend[s] Thai government formal functions such as the recent MOU signing with the Southern provinces, and cooperate[s] in one-time events such as the recent Vital Voices conference.”³⁶⁸ The U.S. government officials in Thailand also participate in regional processes in Thailand, such as UNIAP. The U.S. government, through Department of Homeland Security officials stationed in Bangkok, is also involved in training Thai

³⁶⁶ When the author posed the question to Thai NGOs during field interviews whether they felt if the U.S. government was pressuring the Thai government, they actually said that they felt the U.S. government was both pressuring the Thai government and supporting the efforts of NGOs and the government.

³⁶⁷ Official of the U.S. Embassy in Bangkok, Thailand, interview with author, May 30, 2006.

³⁶⁸ Ibid.

police officials to gather evidence on pedophile cases involving American citizens. This training relationship was characterized to be very positive.³⁶⁹

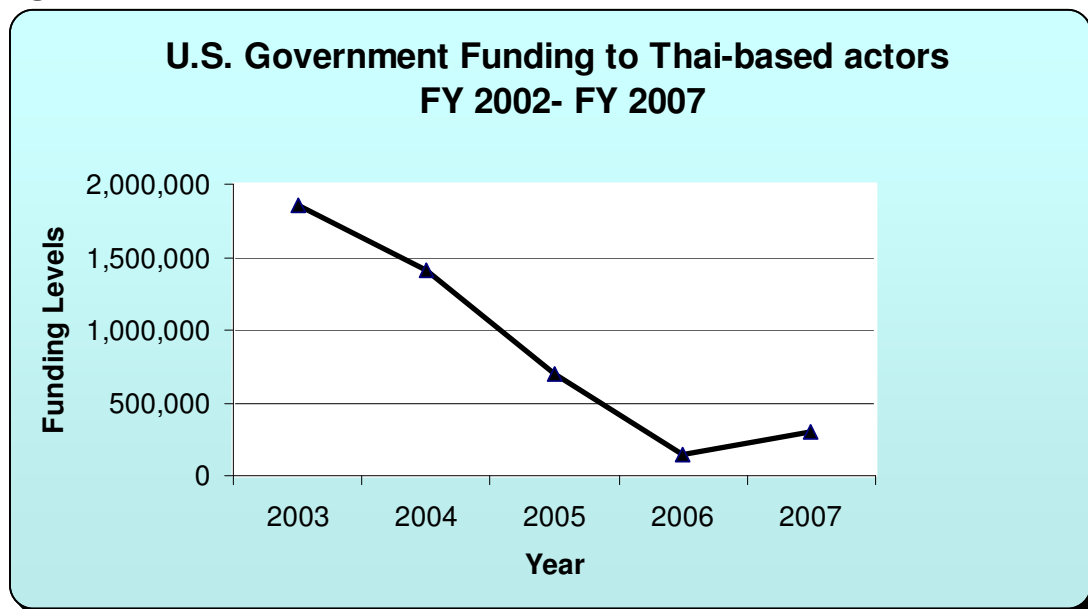
The Thai government's perspective is more complicated. The area of contention between the two governments on this issue is apparent when the U.S. Department of State releases its Trafficking in Persons Report every June that ranks governments' efforts to combat human trafficking. Representatives of the Ministry of Foreign Affairs in Thailand were not so appreciative of the fact that the United States' annual Trafficking in Persons Report (otherwise known as the TIP Report) is a public shaming process. They indicated that they would much prefer to be engaged privately. The Thai government believes that Thailand is a leader in the region on many social, economic, and political processes, especially on the issue of trafficking. Therefore when the United States lowers Thailand's ranking in the TIP Report, it has multiple consequences. Some in the government dismissed the report as a tool of American imperialism; others publicly claimed that they did not care what the United States said about Thailand. For example in 2004, the United States downgraded Thailand to the *Tier 2 Watch List* on the TIP Report because of Prime Minister Taksin's move to eliminate Cambodian beggars from the streets of Bangkok. Considering the fact that the Thais do not want to "lose face" particularly among their Asian neighbors, they cared deeply about the lowered designation as it was exceedingly embarrassing for the Thai government.

An analysis of U.S. government funding patterns between 2002 and 2006 can be useful to recognize the focus, and the rise and decline of certain organizations'

³⁶⁹ Two U.S. government officials, Department of Homeland Security detailed to the U.S. Embassy, Bangkok, Thailand, interview with author, Bangkok, Thailand, July 13, 2006.

popularity and effectiveness in Thailand. The funding patterns reflect the initial perceptions of Thailand as the “brothel of Asia,” and a desire to throw millions of dollars towards addressing “sex trafficking.” U.S. government funding levels to the Thai government, Thai nonstate actors, and U.S.-based nonstate actors in Thailand was above US\$2 million dollars in 2002. By 2007, the U.S. government had only allocated around US\$300,000. See **Figure 5.1**. A number of factors explain the decline in the funding of anti-trafficking organizations in Thailand. First, a better understanding of the complex dynamics of the issue on the part of the U.S. government has led to a rethinking in its strategy. Second, some Thai NGOs refused to work with U.S.-based organizations in Thailand and therefore lost their favor with the U.S. government. Third, the Thai government, at least in rhetoric, had allocated its own funding to addressing human trafficking. Fourth, several other governmental and private donors have also been funding anti-trafficking projects. Finally, U.S. government funding for anti-trafficking projects have declined because resources are being diverted to the Iraq war.

Figure 5.1



Source: U.S. Department of State <http://www.state.gov/g/tip>

Involvement of U.S.-based Nonstate Actors in Thailand

One outcome of the zealous funding of anti-trafficking projects masquerading as anti-prostitution projects was that it created a cohort of American organizations who went out in search of countries where they could try to eliminate prostitution. American NGOs did not wait for Thai NGOs to contact them, like the original boomerang assumed, American NGOs simply went to Thailand and decided that Thai NGOs would work with them. A number of U.S.-based nonstate actors have committed substantial resources to address the issue of trafficking in Thailand. These organizations have their offices in Washington, DC and their relationships with one another in Washington are marked by cooperation, contention, and competition. The

points of disagreement are reflective of the broader advocacy coalitions on prostitution and trafficking.

Some of the U.S.-based nonstate actors working in Thailand are advocacy organizations, some are a mixture of advocacy and service, and others are purely service organizations. In analyzing these organizations separately, human trafficking is either a primary focus of their activities or a significant focus.

Prevent Human Trafficking does not take any U.S. government funding, and advocates, through education and awareness-raising, for a greater focus on prevention activities in Thailand. PHT maintains a base in Washington, DC, spends most of the year raising money, and has been traveling to Thailand every summer since 2001 to distribute small sums of funding to three to four shelters in Thailand that protect children who have been trafficked or who are at risk for being trafficked. As the Office to Monitor and Combat Trafficking in Persons at the U.S. Department of State has become more conservative since 2003, PHT made the decision not to pursue any additional funding from the U.S. government. Instead their funding has come from private donations and foundations. One of the reasons why PHT decided to begin working in Thailand was because the founder and Executive Director, Christina Arnold, had lived in Thailand for approximately four years in the 1990s. She met young girls who had been forced into prostitution and wanted to raise money in the United States to help organizations already working to prevent girls from going into prostitution, and protect them once they exited prostitution.

Vital Voices Global Partnership is a nongovernmental organization whose origins are connected to the Inter-Agency Council on Women under the Clinton

Administration. The Inter-Agency Council was headed by then First Lady Hillary Clinton. The work of Vital Voices has been to advocate for cooperation between civil society and governments to combat human trafficking and other women's human rights issues. They do this primarily through conferences and workshops in Asia and Europe. Vital Voices has also taken the opportunity to honor formally individuals such as Saisuree by inviting them to the United States and giving them awards for their anti-trafficking work. In May 2006, after much political negotiation with the U.S. government, Vital Voices organized a conference in Bangkok whose purpose was to promote civil society collaboration with government authorities in the six Mekong countries: Thailand, Cambodia, Lao PDR, Vietnam, China, and Burma. Vital Voices began working in Thailand because Hillary Clinton visited Thailand in 1996 and became interested in the problem of girls in prostitution.

The Asia Foundation has been working in Thailand since the 1950s. Their work on the trafficking issue began 2001. They were funded by the U.S. government to help TRAFCORD in Northern Thailand implement the Chiang Mai model, a multi-disciplinary team organized to address all aspects of human trafficking.

International Justice Mission, a U.S., faith-based nongovernmental organization, advocates to the U.S. government for stronger actions on human trafficking globally. IJM set up an office in Thailand in 2001 and decided they were going to start rescuing girls and women from brothels. Sometimes they would co-opt the local police to help them and other times they would just break down the brothel doors themselves. They made no distinction between girls and women nor did they try to figure out who was in the brothel voluntarily and who was there against their

will. IJM received a significant amount of funding from the U.S. government, private foundations (such as the Gates Foundation) and private donors. IJM solicits donations from churches around the United States after giving presentations about child prostitution in Third World countries. They could be considered a quasi-service agency because they maintained an office in Thailand where they offered legal services to the local anti-trafficking network – TRAFCORD. IJM simultaneously was funded by the U.S. government to work in Northern Thailand and advocated to the U.S. government to place pressure on the Thai government.³⁷⁰

Initially, IJM set up an office in Northern Thailand staffed with former law enforcement and lawyers from the U.S., but did not properly register as an NGO to work in Thailand. The American staff worked with tourist visas. On the surface, IJM shared many of the same goals as Thai NGOs and other U.S. nonstate actors such as PHT – to address the problem of child prostitution in Thailand. However, the means by which IJM decided to carry out its goals were highly controversial. The activities of raiding brothels, with little cooperation from local NGOs, were extremely disruptive to the local NGO/ police relationships, and even endangered the lives of the girls they were trying to rescue. IJM did not have a safe place to house the girls and women “rescued from the brothels” after the raids. The New Life Center was called upon by the International Justice Mission to house girls who they rescued in Northern Thailand, though it was a situation for which the NLC could not prepare

³⁷⁰ Although the author has not been able to confirm this directly from IJM because of their unwillingness to grant interviews, others in Thailand confirmed that they advocated to the U.S. government for more pressure to be placed on the Thai government. This is at the same time they were trying to gain supporters in the Thai government for their work in Northern Thailand.

because they were not given advanced notice.³⁷¹ IJM's insistence on raiding brothels without knowing if women/girls wanted to be "rescued" was offensive to Thai NGOs who were careful to make a distinction between forced/voluntary, and adult/child prostitution.

Thai-based Nonstate Actors and Thai Government Response to U.S. Styles of Agenda-Setting

An important element that contributed to the ability of the Thais to resist U.S. hegemonic tendencies in Thailand was the fact that the U.S. was not the only voice in Thailand. It was one of many voices. The international organization community – made up of intergovernmental organizations and international nongovernmental organizations – is very robust. The U.S. agenda-setting voice was not as loud because there are other donors and others trying to set the agenda. Thais have much experience working with international organizations and collaborating towards a common goal.

Anti-IJM Transnational Advocacy Network

Thai NGOs launched a transnational advocacy network, again not against their government, as Keck and Sikkink (1998) predicted, but against another nonstate

³⁷¹ Author interviews with Thai NGOs in Northern Thailand, June 2006.

actor – IJM. The Thai-based nonstate actors were greatly displeased with the behavior of IJM, particularly Sudarat who had been carefully facilitating the improved relationship between Thai NGOs and the Thai police for many years.³⁷² IJM slowly lost access to the Thai domestic network of organizations because of the dislike Thai nonstate actors had for IJM. TRAFCORD avoided working with them, FACE refused to work with them, and other international organizations vocalized their distaste for IJM's activities.³⁷³ To carry out its goals, IJM would need the cooperation and collaboration of other local organizations and networks. During the six years that IJM worked in Thailand, it was never able to gain the trust of the domestic advocacy networks, even though the goals of IJM were very similar to the Thai NGOs. IJM's activities were made known to the U.S. Ambassador to Thailand. After the ambassador asked them to change their tactics because they were offending the Thais, IJM did not heed the warnings. IJM was empowered by the political environment and dynamics in Washington, DC because they are well-connected to many prominent individuals in the U.S. government.

In 2001, Christina Arnold, Executive Director of Prevent Human Trafficking, attended the Second World Congress on Commercial Sexual Exploitation of Children in Yokohama, Japan and connected with Sudarat. A year later, PHT brought a student group to Thailand to study how the NGOs and government was involved in combating human trafficking. FACE and members of the Thai government shared

³⁷² It was confirmed by interviews with several Thai activists in Thailand that activities of IJM were actually undermining the tenuous relationship between the NGOs and the police.

³⁷³ IJM was not able to do the work it wanted to do in Northern Thailand – that is to rescue children from brothels because no one would work with them to carry out these activities.

with PHT information about the difficulties that IJM was causing in Northern Thailand. They asked Arnold to bring this information back to the United States and tell officials in the U.S. government about the havoc IJM was causing in Thailand. A relationship developed between PHT and FACE that became the basis for a loosely organized transnational advocacy network against IJM.

PHT took this request from the Thais seriously and upon return to Washington, DC, met with staff at the U.S. Department of State, other INGOs in Washington, and with IJM itself.³⁷⁴ PHT has been traveling to Thailand every year since 2001. In addition to supporting the shelters for children, PHT gathered information about IJM in order to share the information with organizations and government agencies back in the United States, and advocate for some kind of monitoring of their activities. After the U.S. Department of Labor (DOL) announced that IJM would be receiving US\$200,000 to work in Northern Thailand in late 2002, PHT visited the DOL office responsible for child labor projects. According to U.S. government records IJM was supposed to create a “Thailand Sex Trafficking Task Force” with this DOL funding.³⁷⁵ However, upon further investigation and interviews with other organizations in Northern Thailand, a Sex Trafficking Task Force was not set up due to the unwillingness of Thai organizations to collaborate with them. Instead, IJM gave grants to Thai NGOs in Northern Thailand, specifically DEPDC and IMPECT, so that they could make a wider impact and gain a few friends. In

³⁷⁴ Staff of PHT met with Sharon Cohn, Vice President of Interventions at IJM, in October 2002 to relay to her the stories the Thais told PHT. That meeting was the last formal contact that PHT had with IJM.

³⁷⁵ United States Department of State, “Government Funded Anti-Trafficking Programs,” Available at: <http://www.state.gov/g/tip/c12606.htm> (accessed April 21, 2007).

interviews with the directors of both DEPDC and IMPECT in 2006, both recognized that they had received funds from IJM and re-iterated their willingness to work with IJM.

True to Keck and Sikkink's prediction that the relationships between northern and southern partners "can produce considerable tensions"³⁷⁶ in advocacy networks, indeed the relationship between FACE and PHT did result in considerable tensions. For example, PHT wrote a proposal for funding in 2002 to the U.S. Department of State, and was close to receiving funding in 2003 to work with FACE. However, FACE at the last minute decided that it already had U.S. government funding, and did not need additional funding to be managed by an American organization.

PHT has been developing a partnership with the NGO Population and Development Association of Thailand (PDA) over the last several years. PHT has shared a great deal of information with PDA about the activities of IJM in Thailand. The head of PDA is Mechai Viravaidya, otherwise known as Thailand's "Condom King" because of his work on reducing the rate of HIV infections in Thailand during the 1990s, and also a former Member of Parliament. In 2005 Mechai came to the United States and PHT organized an event in collaboration with the Thai Embassy to honor Mechai. At that event, he publicly threatened IJM and stated that if it were ever caught trying to raid a brothel again in Thailand that he would advocate to the police to have them arrested.

A staff member at an American organization who manages development grants in Thailand told the U.S. government that his organization refused to channel

³⁷⁶ Keck and Sikkink, *Activists Beyond Borders*, 13.

money to IJM because IJM was not properly registered as a nongovernmental organization in Thailand, and the American staff at IJM in Thailand was working on tourist visas. This same person said that if IJM went through correct channels to be registered in Thailand, it would likely take several years. In other words, if IJM was registered any sooner than three to four years, it would be apparent that they had not gone through the correct channels.³⁷⁷

Thai NGOs, some of whom were funded by the U.S. government, including FACE, refused to partner with IJM or make IJM part of their domestic networks. Sudarat had made her distaste about IJM well-known in Thailand and it was no secret that she did not want to work with IJM.³⁷⁸

In 2006, the Thai government sent a delegation to the United States to share information in preparation for the June release of the TIP Report. Sudarat was invited to serve as a member of the delegation; however, when the State Department heard that she was coming, they refused to meet with her in the room with the government officials, as she was a member of an NGO. Sudarat had been accused by the U.S. government of impeding the work of IJM, a U.S. government-funded project in Thailand.

³⁷⁷ American staff of U.S.-based NGO in Thailand, meeting with staff of PHT, Bangkok, Thailand, July 2004.

³⁷⁸ Thai social worker in Northern Thailand, interview with the author, Chiang Mai, Thailand, June 14, 2006.

Thai NGOs Use U.S. Pressure to Leverage Support from the Thai Government

Thai nonstate actors did not mind that the U.S. government was putting pressure on their government, and, in fact, leveraged U.S. government pressure with their own pressure. With a combination of pressure coming from above and below, the Thai government allocated 500 million baht (approximately US\$16 million) to anti-trafficking activities. Thai NGOs did not go directly to the U.S. government to advocate against their own government. Advocacy was done much more subtly. Thai NGOs would lose the respect of their government partners if they complained to the U.S. government. As a result, the official policy of the U.S. government has been to stay out of the relations between the Thai NGOs and Thai government.

Thai NGOs were willing to forego U.S. funding because they did not want to compromise their principles to not work with IJM. Thai NGOs to some extent resent U.S. government involvement, but they have also used it to their advantage by indirectly pressuring their government. One particularly strong, effective, and well-respected Thai NGO advocated directly to the Thai government to fund it after U.S. government funding that was promised was not provided, and in fact, was revoked because of failure to work with IJM. The Director of the NGO leveraged the situation by telling the Thai government that it was their responsibility now to fund the NGO, and not the U.S. government's.

U.S. government officials hold the view that Thai NGOs are not actively advocating against U.S. government policies. In truth, the “mainstream” Thai NGOs do not spend their time advocating against U.S. government policies (nor against Thai government policies). However, there are other less mainstream NGOs who advocate

that U.S. government policies are harmful to sex workers and particularly ineffective to preventing HIV/AIDS infections in Thailand. For example, Empower, an NGO in Thailand that provides services to voluntary sex workers, used to receive a small amount of USAID funding to do their work. However, that funding ended in 2003 when U.S. government policies became much more conservative.³⁷⁹ The U.S. government would no longer fund an organization that advocated for sex workers' rights.

Thai Government Response to U.S. Government and International Pressure and Support

After the TIP Report downgrade of the Thai government in 2004, the Thai government issued new policies with regard to combating trafficking and appeared to improve government attention to the issue. A former minister in the Thai Parliament claimed that the 2004 TIP Report shamed the Thais and created an enormous amount of pressure for the top ranks of the Thai government. This led the Thai government to make trafficking a national agenda item.³⁸⁰ The pressure of the TIP Report was enormous, the Thais felt very uncomfortable about having been singled out and shamed. The Thai government decided that something had to be done to fight back

³⁷⁹ Amy Kazmin, "Deliver Them from Evil," *Financial Times*, July 9, 2004.

³⁸⁰ Former minister of the Thai Parliament, interview with author, Bangkok, Thailand, June 8, 2006.

against the allegations in the report. The 2004 TIP Report did help bring the Prime Minister “on board.”³⁸¹

In a 2004 speech given by Phil Robertson, he outlined the situation in Thailand as it was in 1994, before, as he says, “the Thai government got a shot of political will – the serum was the U.S. government pressure and embarrassment that Thailand was put on Tier 2 Watch List on the Department of State Trafficking in Persons Report.” The events of 2004 catapulted the issue in Thailand, and many more changes began taking place.

Many Thais voiced that Thailand would truly be an unmatched leader on this issue if only there was clear direction and strong, sustained political will from the very upper echelons of the Thai government. That, to date, has not happened. It was unlikely to have happened under the direction of Prime Minister Thaksin. Not only was he fairly distrustful of NGOs in general (though NGOs enjoy almost complete freedom in Thai civil society), but he was focused on strengthening the economy of Thailand.

In endeavoring to determine why the Thai government decided to draft a new law in 2005, one hypothesis could be that the Thai government was receiving a great deal of pressure from the U.S. government to improve their legal capacity on trafficking. A few government agencies were responsible for drafting the New Draft Law on Trafficking that was approved by the Cabinet in 2005. However, the draft languished in the Thai government until May 2007. The Majestic Group, a domestic network of Thai NGOs and government ministries, was involved with writing the

³⁸¹ Ibid.

draft law through their Trafficking Law Subcommittee. This committee had connections to the Ministry of Social Development and Human Security. Wanchai was the chair of the committee to draft the new law at the MSDHS. According to Wanchai, the Thai law needed to be re-written because Thailand needed to ratify the UN Protocol.³⁸² It was the opinion of the committees that the current Thai laws were insufficient to be able to ratify the Protocol. In looking for guidance in developing the Draft law, the committee incorporated parts of the U.S. law and Australian laws on trafficking and child protection.³⁸³

In the lead up to the threat of sanctions from the United States to Thailand, contrary to what Chuang (2006) argues about the possible “chilling effect” of sanctions on the “participation of governments, nongovernmental organizations and the local population,” the threat of sanctions served to mobilize the government into action. Thai NGOs were secretly happy that the United States was putting pressure on the government to act. The NGOs were having difficulty getting support at the highest levels of the Thai government, and this was exactly the push that they needed.³⁸⁴ However, the commitment at the Prime Minister’s level was short-lived. By May-July in 2006, Thai NGO representatives were relaying that there was little support from the Prime Minister’s office on trafficking. The draft anti-trafficking law had been awaiting passage in Parliament for nearly a year and a half, and there was little political will to push it along.

³⁸² Wanchai was also a Thai government delegate in Vienna for the UN Protocol.

³⁸³ Wanchai Roujanavong, Ministry of Justice, interview with the author, Bangkok, Thailand, June 26, 2006.

³⁸⁴ Thai activists, interviews with author, Thailand, May – July 2006.

Although U.S. pressure on Thailand does play an important role in influencing Thai government policy on trafficking, the U.S. government is one of many players in Thailand interacting with the Thai government. The U.S. government pressure alone is not sufficient for the Thai government to change drastically.³⁸⁵

In another effort to test the origins of behavior change of the Thai government, interviewees in the NGO and government sectors were questioned about the motivations to re-write the Thai law on trafficking. One prominent government lawyer, Pravit Roykaew who worked for the Attorney General's office gave two reasons. First, Thailand wanted to ratify the UN Protocol on trafficking and had to change Thai law to be in line with the definition of trafficking in the Protocol. Second, Thai attorneys did not know how to apply current Thai law to situations of trafficking. Wanchai also confirmed that one of the reasons to re-write the Thai law was because the UN Protocol had to be ratified. Police and prosecutors only thought of the penal code. Because the issue was so complex, it was important to also use the witness protection law and the child protection law to remember that victims needed to be treated as victims and not criminals and that there was a process of repatriation for those who had been abused or trafficked.³⁸⁶ With support from FACE, CPCR and TRAFCORD, Pravit had found ways to have parts of the new law implemented

³⁸⁵ See Risse and Sikkink, "The Socialization of International Human Rights Norms into Domestic Practices." See also Thomas Risse and Stephen C. Ropp, "International Human Rights norms and Domestic Change: Conclusions," in *The Power of Human Rights*, ed. T. Risse, C. Ropp, and K. Sikkink (Cambridge: Cambridge University Press, 1999): 234-278 for their alternative explanations for state action on human rights issues.

³⁸⁶ Pravit Roykaew, Office of the Attorney General in Thailand, interview with the author, Bangkok, Thailand, July 3, 2006.

without passage of the law. Neither Pravit nor Wanchai identified U.S. pressure as a reason to re-write the law.

One conclusion to make is that Thai government was moved to draft a new law on trafficking because of a mixture of external pressure and internal pressure to improve Thailand's legal capacity.

Consequences of the Transnational Advocacy Network to IJM Operations in Thailand.

After many years of advocacy against their activities in Asia, IJM's prominence in the United States has not waned.³⁸⁷ IJM has invoked a moral authority to continue to do the work of rescuing women and children from prostitution. There have been a handful of negative articles in the media about the work that IJM has conducted in Thailand. This has made them weary to be interviewed by anyone. Also, their web site does not explain in detail the work that they do or where they do their work.

IJM has been a constant topic of conversation among organizations working on trafficking in Thailand. In multiple conversations with David Feingold about IJM, Feingold has confirmed that he and others working in Thailand have told IJM in

³⁸⁷ On March 12, 2004, President Bush introduced Sharon Cohn, director of Anti-Trafficking Operations for IJM at an awards ceremony. "Let me tell you what that means," said Bush, "That means she's working to end sex slavery.... This government stands with you, and our country stands with you. We abhor—we abhor—the practice of sex slavery, and we will do all we can to help you. Support for human rights is the cornerstone of American foreign policy." From Jennifer Block, "Why the Faith Trade Is Interested in the Sex Trade."

meetings that their activities are misguided. Feingold said that IJM listens and promised things would be different, but continued the same activities. The former U.S. Ambassador to Thailand also spoke to IJM about the controversy of their activities, without great success. IJM continues to receive millions of dollars from private foundations to continue their work on combating “sex trafficking.”³⁸⁸

Despite IJM’s prominence in Washington, DC circles, IJM was unable to do much of the work for which it set out to do in Thailand. However, Thai authorities would not kick them out of Thailand; it would have been politically unwise to do so. Because their influence in Northern Thailand began to diminish, they used their location in Thailand to influence activities in Malaysia. In 2005, they facilitated a raid in Malaysia of a brothel that enslaved non-ethnic Thai girls from Thailand. However, their tactics in Malaysia were very similar to the tactics they had used in Thailand – disregarding domestic networks of NGOs, acting as if they had the authority to facilitate raids when they did not, and making enemies of the Malaysian NGOs and the U.S. Embassy staff in Malaysia along the way.³⁸⁹ The Malaysia case highlighted many gaps in social and political structures that were causing trafficking, and causing

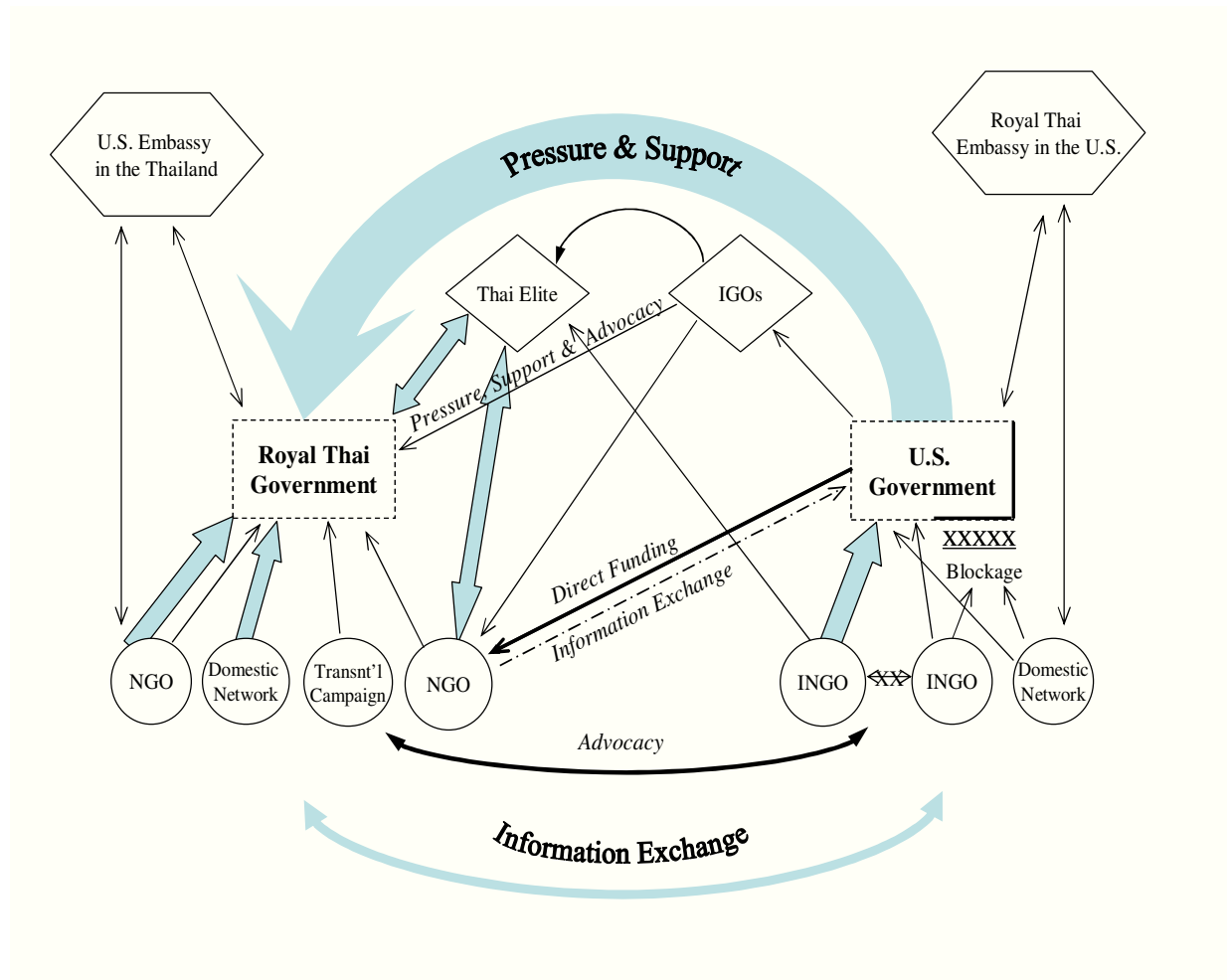
³⁸⁸ In 2005, IJM was awarded a US \$5 million grant from the Bill and Melinda Gates Foundation to work on “sex trafficking” in various parts of the world.

³⁸⁹ According to a Thai activist in Northern Thailand in 2006, IJM has facilitated a new network of organizations to work in Malaysia called “Save our Daughters” (SOD) network. This network is comprised of the following actors: U.S. Embassy in Thailand, IJM, a small Thai NGO called Friends of Women, Save the Children UK, AFESIP Thailand, UNIAP, and the Center for Child Protection in Bangkok. This was confirmed by a comment made by a member of Friends for Women at the Thailand Inter-Agency Working Group Meeting on Human Trafficking. UNIAP Thailand. June 30, 2006. (attended by author). She stated that the “SOD network organized a meeting with Malaysian police in southern Thailand. At the meeting, information on the mechanism to rescue the victims was shared. SOD had a plan to provide training to the police on 9-11 July 2006.”

great harm to the victims. IJM used those gaps to expose and embarrass the Thai government.

Six years of anti-IJM advocacy led IJM to close its office in Northern Thailand in 2007.

Figure 5.2 Revised Boomerang



Limitations of the Boomerang Pattern for this Research

As discussed in Chapter 2, Keck and Sikkink (1998) theorize that one of the ways that transnational advocacy networks form is through a boomerang pattern of

influence. According to the theory, NGOs who experience blocked access to their own government reach out to NGOs in another state. The NGOs in the second state ask their government to put pressure on the first government.

However, this dissertation asserts that the originally conceived boomerang pattern is not sufficient to explain why transnational advocacy networks were created, and how they have been sustained, between Thailand and the United States on the issue of human trafficking for nearly a decade. The original boomerang pattern can describe a situation whereby the initial advocacy takes place, but it cannot explain what happens over an extended period of time, nor can it explain what happens with transnational advocacy networks for all issues. This research offers a revised boomerang pattern to explain transnational advocacy networks between Thailand and the United States on combating human trafficking. This revised boomerang pattern visually represents a process of transnational advocacy network activity over a period of several years between Thailand and the United States. The original Keck and Sikkink boomerang pattern was meant to represent a fairly short time period and the interactions presented in their boomerang are simplified. The revised boomerang characterizes a greater complexity of interactions as more actors are represented than in the original boomerang.

Keck and Sikkink (1998) have made an assumption that nonstate actors in developing countries must reach out to nonstate actors in Western countries in order to create transnational advocacy networks. Some assumptions have also been made about the nonstate actors in the Western countries and how they sit passively waiting to be contacted by organizations in other countries. Finally assumptions are made

about the relationship between nonstate and state actors in developing countries. These assumptions are evident in the transnational advocacy network literature. Now that it has been presented that Thai nonstate actors have been integral members of a variety of domestic and transnational advocacy networks on human trafficking, is Keck and Sikkink's boomerang pattern helpful to analyze Thai nonstate behavior? Based on their justification of the boomerang, it should be helpful. However, upon closer analysis, we see that the boomerang pattern is flawed in its assumptions about the behavior of nonstate actors, especially in developing countries.

Figure 5.2 represents a revised boomerang pattern in which the nonstate and state actors of two different countries are interacting with one another on the issue of trafficking. State A in the original boomerang is now represented by the Thai government and NGOs working in State A are represented by Thai NGOs, domestic networks and campaigns. The Thai NGOs and other nonstate actors experienced open access to the Thai government. This represented a relationship that began developing in the 1990s, facilitated by bridging elites and other powerful inter-governmental organizations, and strengthened through the early years of 2000s. National MOUs codified these relations, though they were slightly threatened particularly in Northern Thailand between 2002 and 2004 when IJM tried to co-opt the Thai police. State B in the original boomerang is now represented by the U.S. government and NGOs working in State B are represented by U.S. NGOs and INGOs. Only some of the U.S. NGOs and other nonstate actors experienced open access to the U.S. government while others experienced blocked access. The groups who were conservative, faith-based, and feminist abolitionist had full support of the U.S. government, whereas

human rights feminist NGOs and INGOs were blocked from receiving funding and/or political support because of the way that they framed human trafficking. Because the NGOs in Thailand did not experience blocked access to their government, the exchange of information and advocacy between the NGOs in Thailand and the United States was mutual. The U.S. embassy in Thailand and the Thai embassy in the U.S. also played a role in communicating and sharing information regularly with the governments and nonstate actors. After human trafficking got onto the institutional agenda in the U.S., the U.S. government placed a great deal of pressure on the Thai government; however, it was coupled with financial and political support. In the original boomerang NGOs from State A only network with NGOs in State B. In the revised boomerang, NGOs in Thailand were not only networking with NGOs and other nonstate actors from the U.S., they were also sharing information directly with the U.S. government. Based on earlier definitions provided for the term transnational in this dissertation, the complex and dynamic relations between nonstate, government and international actors embodies transnational advocacy network theory.

Refuting the Assumptions of the Boomerang

A number of assumptions about NGO activities – particularly NGOs in developing or southern countries – *vis à vis* their interactions with transnational advocacy networks are made by Keck and Sikkink (1998). A presentation and refutation of these assumptions are made towards an end to show that not all NGOs in

developing countries fit the way their behavior has been conceived by some IR theorists.

The first assumption is that *NGOs in a developing country experience blocked access to their government, and NGOs in developed country experience full access.*

Actually, Thai nonstate actors have been developing close relationships with various Thai government ministries since the early 1990s. This was due to the work of individuals or “bridging elites” – individuals who were in the Thai government but were highly respected by civil society actors and who could “speak the language” of both the government and the civil society. The points of collaboration between Thai nonstate actors and the Thai government are delineated in Chapter 3. For example, one Thai government official admitted that it was due to the work of nonstate actors that led to the passage of a Thai law on trafficking in women and children in 1997 – years before most other countries even knew what human trafficking was.

Some NGOs in the United States experienced blocked access to the U.S. government after 2000 because those in the anti-prostitution advocacy coalition were supported by a conservative administration. The U.S. government blocked funding and silenced the voices of organizations that belonged to the more liberal advocacy coalition.

A second assumption is that *NGOs reach out to NGOs in other countries because they want to advocate against the behavior of their own government.*

Actually, if we look at the work of Thai-based nonstate actors, they were not openly advocating for the change in behavior of the Thai government. In the context of the ECPAT campaign, for example, they were advocating for the change in behavior of

the U.S., European, Australian, and New Zealand governments to reign in their citizens and prosecute men involved in child sex tourism in Asia. In the context of the advocacy against IJM, they were advocating against another nonstate actor.

A third assumption is that *NGOs must go outside of their country to look for activists who can advocate on their behalf*. Actually, In the case of Thailand, international organizations were already present in Thailand and were available to partner with Thai NGOs. Thai NGOs did not need to go outside of their country to look for additional support. This has been particularly useful in the face of drastic funding cuts by the U.S. government.

A fourth assumption is that *NGOs want outside pressure placed on their government in order to change its behavior*. Actually, although Thai NGOs clearly did not ask U.S.-based nonstate actors or the U.S. government to put pressure on the Thai government, pressure was put on the Thai government, nevertheless. This dynamic has had interesting implications.

In an effort to test whether the U.S. government was the only actor putting pressure on the Thai government, interviewees in the NGO, government, and international organization sectors were questioned about the source of political pressure on the Thai government to address the issue of trafficking. Interviewees confirmed that the U.S. government was not the only actor putting pressure on the government, that the Thai NGOs and the community of various international organizations were also pressuring the Thai government to improve its policies. Though it is hard to measure, it appeared that the weight of U.S. government pressure was heavier than the other two. “There was a healthy combination of pressure coming

from both directions, the NGOs and above.”³⁹⁰ A Thai independent consultant who worked many years for an American international NGO stated that, “pressure was coming from the U.S. government and the Thai media.” She admitted that “the Thai NGOs love that the U.S. government is pressuring the Thai government.”³⁹¹ She also admitted that the demotion to Tier 2 Watch List on the TIP Report prompted the National Agenda announcement in 2004.

Conclusion

The goal of this chapter was to show how Thai nonstate actors responded to U.S. styles of agenda-setting in Thailand. A transnational advocacy network developed against an American NGO who violated certain norms of protection and “do no harm. The focus of one advocacy network – the International Justice Mission – refused to be moved by the advocacy. Although the U.S. government was mostly seen as an ally to the Thai NGOs, it was also an enabler for an organization that was perceived to be playing a harmful role in combating human trafficking in Thailand. What is most interesting is that a boomerang pattern of influence was created in a way not predicted by Keck and Sikkink. A revised boomerang showed that NGOs in Thailand did not experience blocked access to their government but reached out to NGOs in the United States to change the behavior of the U.S. government as well as an American NGO. It also showed that Thai NGOs have much more complex

³⁹⁰ Susu Thatun, UNIAP, interview with author, Bangkok, Thailand, June 5, 2006.

³⁹¹ Thai independent consultant, interview with author, Bangkok, Thailand, June 7, 2006.

interactions with a variety of domestic national, international, and transnational actors within advocacy networks than would have been predicted by the original boomerang. Ultimately, the success or failure of an advocacy network is more difficult to assess due to the extremely complex sets of relationships among all the actors.

Chuang (2006) has made several predictions about the role of United States pressuring governments to accept U.S.-backed norms around the world. She adeptly argues:

Anecdotal evidence suggests that the specter of TIP sanctions causes some governments (of developing countries, in particular) to develop their anti-trafficking programs based entirely on what they perceive to be the expectations of the TIP Office. Focused on fulfilling these externally- imposed standards, these governments fail to conduct their own, context-specific assessment of the needs on the ground, and overlook or ignore the recommendations of local NGOs.³⁹²

While her predictions are founded, they do not apply to the situation in Thailand for several important reasons. First, Thailand has a vibrant civil society with strong, independent-minded nongovernmental organizations that have been working on trafficking and related issues for decades. Second, Thailand is unique in that it stands at the cross-roads of the international community working on trafficking in Thailand and the Mekong Sub-region. The presence of dozens of international organizations, along with a government that tries to be welcoming of the international community, creates an environment where the U.S. government is one voice of many

³⁹² Chuang, “The United States as Global Sheriff,” 490.

international voices. Therefore, even though the U.S. government is a powerful actor with regard to putting pressure on the Thai government, it is by no means the only voice putting pressure on the Thai government. Finally, and most importantly, Chuang does not account for loosely organized transnational advocacy networks (between Thailand and the United States, for example) to increase the strength of the domestic networks and counter not only hegemonic tendencies of the United States and U.S.-based nonstate actors, but tendencies of inaction, low political will, corruption, and indifference on the part of the Thai government. Chuang goes on to argue that the U.S. government

has already had tremendous influence on domestic anti-trafficking efforts worldwide, but at the risk of undermining the new international cooperation framework established under the Palermo Protocol. Given the transnational nature of the problem of human trafficking, any strategy at the global level to combat this crime and human rights violation must operate in a manner that encourages multilateral participation in the articulation and acceptance of international anti-trafficking norms.³⁹³

On this point, her words resonate. The U.S. government poses a danger to Thai NGOs when it supports IJM, despite five years of advocacy against IJM's work. The U.S. government has supported raids and rescues and has ignored the cries of numerous organizations that IJM's tactics do not work. A staff member of a transnational coalition in Thailand indicated in an interview that, although she was not against raiding brothels, she believed that they had to be done with tremendous

³⁹³ Chuang, "The United States as Global Sheriff," 493-494.

sensitivity and after a great deal of research. If organizations agreed to collaborate on raids and rescues, the outcomes would be much more effective.

Chapter 6: Implications of Transnational Networking for Nonstate Actors in Developing Countries

Introduction

The contemporary, global anti-trafficking movement has its roots firmly entrenched in debates going back as far as the late 1880s with the issue of the “white slave trade.” Although the rhetoric has changed, it has not changed significantly in over a century. The abolitionist feminist / human rights feminist dichotomy among activists and nonstate actors is still very much alive in the United States and in Thailand. The inability of these two camps to come to an agreement, and their insistence on framing this issue in dogmatic ways, has contributed to the personality of the current, global anti-trafficking movement.

Institutionalized, state-sponsored slavery was discredited through a successful global campaign beginning in the 18th century.³⁹⁴ Trafficking is an economic transaction similar to slavery, in which people are bought, sold, and used for profit. Except in some very rare instances, trafficking is not state-sponsored. However, it can flourish with indirect state support or political corruption. Nonstate actors in developing and developed countries have emerged as important actors in raising awareness about this issue.

³⁹⁴ Keck and Sikkink, *Activists Beyond Borders*.

Despite the initial interest by Western NGOs and governments in the 1990s of primarily white women in prostitution in Europe and the U.S. from the former Soviet Union, trafficking is an equal opportunity offender, and a growing number of NGOs around the world are aware of this. Due to a proliferation of organizations working on this issue on every continent, there are now many organizations that are paying closer attention to the labor exploitation aspect of trafficking, for example. However, prostitution and its relationship to trafficking remain the dominant frame of trafficking in the United States, in Thailand, and internationally.

Main Lessons for Effective Collective Action Through Domestic and Transnational Advocacy Networks

There are several main themes that are important to this dissertation. The first is the important role that Thai nonstate actors play in framing and setting the anti-trafficking agenda domestically and internationally. Thai nonstate actors have developed certain important mechanisms to navigate the crowded political environment in Thailand. They have not hesitated to reach out to nonstate actors in other countries when they have had a well-defined agenda to put pressure on other countries' governments, but the vast majority of anti-trafficking NGOs in Thailand have developed and maintained very good relations with their government. An unlikely coalition of conservatives and feminists in the United States, and the resulting debate with human rights feminists, were instrumental in raising the issue of human trafficking onto the institutional agenda. The conservatives and abolitionist

feminists exported their agenda and norms to other countries, particularly Thailand. Because of the strength of Thai domestic advocacy networks, they were able to stand up to the U.S. government and a narrow-minded U.S.-based NGO that thought they could easily implement their agenda in Thailand.

Two additional questions can be explored based on these lessons:

What are the consequences for already established networks in developing countries when a hegemonic power puts an issue on its agenda?

Western NGOs rarely wait to be contacted by NGOs in the developing world and instead arrogantly assume that NGOs in other countries want to partner with them if they just show up. The case of anti-trafficking work in Thailand shows that Thais will work with Westerners but it has to be on the Thais' terms. It concerns how Western NGOs approach NGOs in other countries.

One reason why IJM's activities in Thailand were so abhorrent to the Thais is because they were perceived to have been violating the normative framework of protecting victims of trafficking. These norms had been developing in Thailand before IJM came, and were firmly entrenched in the actions and goals of the multi-disciplinary teams combating trafficking. For PHT, FACE, and many others in Thailand, IJM was violating the norm of protection because it did not seem that they were considering what would happen after they rescued the girls from the brothel. They assumed, sometimes correctly and sometimes incorrectly, that women and older teenagers would always prefer to be out of prostitution rather than in. Because of IJM's moralistic assumptions, they did not stop to think of the consequences to the women, to the local NGOs, to the relations between the NGOs and the police. IJM

came to Thailand, initially operating illegally, and their disrespect for the Thai system of doing things offended many people. They were often called “cowboys” because they operated with a sense of moral superiority and impunity.

Because IJM was perceived to have violated the norms of protection, according to some organizations and individuals, the U.S. government was not enforcing its own norms, and the Department of State was seen as defending IJM.

In the international development community, organizations like to talk of “good practices” or “best practices.” With regard to the work that IJM does and would like to do, many opine on the best way to deal with the issue of getting children out of brothels as quickly as possible. If organizations oppose the raids that IJM does or facilitates, then they are accused of being “pro-child prostitution.” Organizations who disagree with IJM’s tactics do not necessarily oppose all raids. Raids are sometimes necessary. However, they must be done sensitively. Because IJM is now a well-known organization, a crop of smaller organizations and individuals are under the impression that they can just move to a developing country and start raiding brothels, or “rescuing” girls out of sex establishments.³⁹⁵

When IJM was confronted with criticism, the staff would simply say that they would do anything to get young children out of a situation of repeated rape. That position is laudable, and it is also very hard to argue with. However, most organizations that have been working on this issue for an extended time know that

³⁹⁵ Nicholas Kristoff, a prominent journalist with the *New York Times*, has sensationalized the rescue of girls from brothels with a story he ran over the course of a couple of weeks. Kristoff paid off the debts of two girls in a Cambodian brothel and followed their lives after prostitution. He reported later that one of the girls ended going back to the brothel.

this is an extremely unsustainable practice. IJM tried to place moral boundaries around a very complex, messy problem.

How do political science and international relations theories view the importance of nonstate actors within domestic, international, and transnational spaces?

Despite the fact the IR theories are saying that nonstate actors are becoming more powerful actors in the international system, there is an inherent bias in foundational theories that assumes that nonstate actors in less powerful countries are unable to effect change without the backing and support of nonstate actors in developed countries.

This dissertation contributes to a small but growing body of literature, such as Isabel Gunning's theorizing female circumcision from the perspective of a lawyer, Shereen Hertel's research on strategies of NGOs in the face of conflicting norms, and Clifford Bob's research on how some issues get onto the agenda and others do not that tries to show that activists and nonstate actors in developing countries are savvy and more strategic than our Western-centric theories assume and give credit.

There were two factors that allowed Thai based nonstate actors to "hold their own" when there was an influx of money and organizations into Thailand working on trafficking after 2000. 1) Nonstate actors positioned themselves on this issue in a way that their relations with state actors were cooperative and not confrontational. Bridging elites were integral to this relationship. 2) Thai NGOs had already developed advocacy networks with international organizations.

Implications for Scholarship

In an effort to make this body of research both unique and generalizable, it is necessary to justify the usefulness of this dissertation to the broader academic questions and inquiries. First, a historical perspective is being provided to show precursor debates that led to contemporary frames and debates on human trafficking. Second, the ways that the civil society interacted with the government in two countries on the same issue are being compared, as is the movement of norms from the domestic to international and back to the domestic level.

In the last two decades some scholars have hailed the emergence of nonstate actors as ushering in a new era of a truly global civil society.³⁹⁶ Indeed, nonstate actors have played an integral role in countering the unbridled power of states. In the areas of the protection of the environment, human rights, women's human rights, and banning landmines, for example, nonstate actors have left an indelible impact on the global political landscape. Some scholars even see nongovernmental organizations as bolstering "a nascent global democracy in which transnational civil society would offer a nonstate form of global representation."³⁹⁷

Other scholars have debunked the entire "transnational thesis." In fact, they argue "far from being harbingers of global democracy, nonstate actors appear to

³⁹⁶ See Richard Falk, *On Humane Governance: Toward a New Global Politics* (University Park: Pennsylvania State University Press, 1995); Allen Hammond, "Digitally Empowered Development," *Foreign Affairs* 80 (2001):96–106; Jackie Smith and Hank Johnston, eds., *Globalization and Resistance: Transnational Dimensions of Social Movements* (Latham: Rowman and Littlefield, 2002); Richard Matthew, Ken Rutherford and Bryan McDonald, eds., *Land Mines and Human Security: International Politics and War's Hidden Legacy* (Albany: State University of New York, 2002).

³⁹⁷ Paul Wapner, "The State or Else! Statism's Resilience in NGO Studies," *International Studies Review* 9 (2007): 85-89.

replicate many of the world system's undemocratic tendencies.”³⁹⁸ Cohen (2006) argues that “nongovernmental organizations are pretty ineffectual, claiming that they never really solve the problems about which they care most.”³⁹⁹ Furthermore, “because nongovernmental organizations often simply pressure states, fail to fully control the processes they initiate, and are unable to solve the problems they care most about, they are ineffectual.”⁴⁰⁰

This research takes a more even-handed approach to the role of nonstate actors in transnational social movement activities.⁴⁰¹ Wapner (2007) argues that [r]ather than being progressive agents of change that are animated by altruism, nonstate actors span the political spectrum and, in terms of their engagements, are much like other political actors. They are self-interested entities engaged in advancing their own agendas. They are often nondemocratic, hierarchical groups concerned with their financial and publicly perceived longevity. Most are self-appointed, rather than representative, political agents.⁴⁰²

³⁹⁸ Wapner, “The State or Else! Statism’s Resilience in NGO Studies”, 85-86 citing Kenneth Anderson, “The Limits of Pragmatism in American Foreign Policy: Unsolicited Advice to the Bush Administration on Relations with Nongovernmental Organizations,” *Chicago Journal of International Law* 2 (2001): 371–388; Bob, *The Marketing of Rebellion*.

³⁹⁹ Samy Cohen, *The Resilience of the State: Democracy and the Challenges of Globalization* (Boulder: Lynne Rienner Publishers, 2006) as cited in Wapner, “The State or Else! Statism’s Resilience in NGO Studies,” 86.

⁴⁰⁰ Ibid.

⁴⁰¹ See Arturo Santa Cruz, “The Emergence of a Transnational Advocacy Network: International Election Monitoring in the Philippines, Chile, Nicaragua, and Mexico,” *Portal* 1, no. 2 (July 2004).

⁴⁰² Wapner, “The State or Else! Statism’s Resilience in NGO Studies,” 85-86.

This characterization of nonstate actors is much more inline with the type of behavior observed in the NGOs involved in the transnational advocacy networks on human trafficking, and particularly the domestic networks of NGOs in the United States. Again, invoking Stolz' observations of the domestic NGOs advocating for passage of the TVPA,

it is more appropriate to depict the trafficking legislation, generally, as the outcome of tandem efforts of interest groups with diverse interests to meet their respective goals, rather than the outcome of a concerted, organized, coordinated effort by an established coalition of organizations.”⁴⁰³

This dissertation contributes to IR literature in general and transnational civil society literature in particular by refuting the major assumptions of the boomerang. There is a general elitism in some of the IR literature about the agency of “northern” NGOs and “southern” NGOs. Some scholars assume that “Northern” NGOs cooperate well with one another and with their governments better than the “Southern” NGOs cooperate with one another or their governments.⁴⁰⁴ While this may be the case in many countries, it is not the case with this issue in Thailand.

Another assumption made by the boomerang is the direction and focus of advocacy. Keck and Sikkink assume that developing countries' NGOs need the help of developed countries' NGOs. Networking clearly makes nonstate actors stronger relatively *vis à vis* the state.

⁴⁰³ Stolz, “Educating Policymakers and Setting the Criminal Justice Policymaking Agenda,” 420.

⁴⁰⁴ Professor Miranda Schreurs, conversation with the author, University of Maryland-College Park, March 30, 2007.

Several interesting observations can be made based on the revised boomerang presented in this dissertation. First, NGOs in developing countries do not always have poor relations with their governments. Second, NGOs in developed countries do not always have good relations with their government. Third, the proliferation of nongovernmental organizations combating transnational social problems lead to complex arrangements of relationships and strategies for addressing problems. Thus a continued study of how organizations and governments communicate across borders is necessary. Fourth, fewer governments today are completely closed to their civil societies. The presence of international organizations usually facilitates the relationship between the civil society and the government. Fifth, Western NGOs empowered by money and a hegemonic government supporting them and wishing to solve other people's problem create greater problems. What Keck and Sikkink do not take into consideration is that the system of international development makes the pure boomerang somewhat obsolete. Finally, the informal, *ad hoc* aspect of the transnational advocacy networks is not conducive to successful outcomes if the target of the advocacy is not open to change.

Literature on TANs has tackled transnational problems such as human rights, environmental protection, and women's human rights. However, human trafficking is not well understood in the context of TAN literature. Unlike the issues of human rights and environmental protection, states are not the main perpetrators of human trafficking for labor and sexual exploitation. Unorganized or organized, small or large networks of criminal groups are the perpetrators of this phenomenon. Therefore, the

norm of the state protecting people, especially women and girls, from violence in the private and corporate spheres is crucial to future work on anti-trafficking activities.

If we look at the early literature on TAN formation, we will see that there is an acceptance that the reasons why people and organizations network is because of the moral obligation or urgency to act. However, others have debunked this myth and argued that it is as much about politics and posturing as it is about morals. Clifford Bob (2005) asks the question, why do some issues get put on the global agenda and others are ignored. He comes up with several reasons. First, local groups seek to transform their grievances into rights claims. Second, international human rights NGOs act as “gatekeepers,” screening such claims and deciding which to bring to the international level. Third, states and international organizations translate claims into rights by codifying and institutionalizing them.⁴⁰⁵

Trafficking is a problem that evokes some moral obligation upon which to act – it concerns situations in which girls and women are being raped for the profit of others, men’s labor is being severely exploited, or children are being abused. However, in the U.S., one of the primary reasons it reached the top levels of the political agenda is because of unique political alliances and debates between liberals – represented by feminists and human rights advocates, and conservatives – represented by abolitionist feminists and the conservative, religious right. In Thailand, the issue rose on the agenda because of a combination of NGO advocacy, “bridging elites” who work in the government but have close ties with civil society, and a unique

⁴⁰⁵ Shareen Hertel, *Unexpected Power* (Ithaca: Cornell University Press, 2006), 15.

configuration of international actors working on trafficking in Thailand as a domestic and regional issue.

The findings of this dissertation fit very well with new research on intra-network conflict published by Clifford Bob (2005) and Shereen Hertel (2006). Bob and Hertel are interested in the norm emergence stage of norm evolution. Bob identifies two entities, NGOs and TANs, as being frequently heralded as “principled” forces in an amoral international system.⁴⁰⁶ In early scholarly literature, there was an assumption that some actors involved in transnational advocacy, also called “norm entrepreneurs,” were altruistically motivated individuals who “promote norms or ideas because they believe in them.”⁴⁰⁷ Bob takes this argument one step further and asserts that actors in transnational advocacy are motivated not only by altruism but by material interests. Hertel is concerned with the role of activists on the “receiving end” of transnational campaigns – “actors...who live in the developing countries targeted by campaigns and who may challenge the initial normative frames advanced by the “senders” in an effort to advance alternative understandings of human rights.”⁴⁰⁸

Despite the fact that the receiving end activists often have fewer material or political resources than do the senders, Hertel highlights the finding that “receivers” have means of influencing normative understandings central to the campaign by employing blocking and/or backdoor moves.⁴⁰⁹ In the case of the relationship

⁴⁰⁶ Bob, *The Market of Rebellion*, 2-3.

⁴⁰⁷ Finnemore and Sikkink, “International Norm Dynamics and Political Change,” 898 as quoted in Hertel, *Unexpected Power*, 14.

⁴⁰⁸ Hertel, *Unexpected Power*, 15.

⁴⁰⁹ Ibid.

between IJM and its counterparts in Thailand – TRAFCORD, FACE, and PHT – all employed blocking and backdoor moves towards IJM in Thailand.

Hertel talks about clashing norms between the senders and receivers. IJM came to Thailand with similar norms of wanting to rescue girls and women from brothels but they failed to adhere to the norms of “do no harm.” In fact they continued to do harm with impunity, and they were eventually ostracized by nearly the entire community of Thai organizations.

However, this dissertation can show even Hertel’s choice of words “senders” and “receivers” still makes an assumption that activists and NGOs in the developing countries need activists in developed countries to spotlight their campaign. That might be the case in many circumstances, however, what this dissertation has tried to show is that Thai NGOs had already launched campaigns on an issue that took many more years for Western NGOs or “gatekeeper” NGOs to acknowledge.

Implications for State and Nonstate Actors in Developing Countries: Limits to and Potential of Nonstate Power

We can see boomerang strategies employed in the emergence of the TANs between Thailand and U.S., as the target of advocacy has been to change and improve Thai government policies and partly to keep the issue high on the agenda so that governments and funders can maintain a continuous flow of resources.

What made the TANs successful in the Thai context was that there were pre-requisite situations/frameworks in place to facilitate the advocacy networks. To

expand it more broadly, the developing country in the boomerang relationship should have the following criteria in order for advocacy networks to be effective: The developing country must have some history of domestic networks on the issue (because they will already think that they know something about the issue). The country should be a part of the process of norm development at the international level. Then those brokers come back to the country and have the political capital to persuade other political actors that this is an important issue. There needs to be elite brokers, or “bridging elites” between civil society and government to facilitate cooperation. There needs to be multiple voices on the issue in the society – NGOs, government, and international organizations. There needs to be political frameworks for cooperation, such as the norm of multi-disciplinary teams. Finally, it helps if there are also simultaneous regional processes so that the developing country has an opportunity to be a leader to other countries on the process.

Although there has been some research that has shown that material interests trump the moralistic motivations of NGOs, this dissertation does maintain that human trafficking and prostitution are issues that people can hype in order to mobilize many people to feel connected to the issue. Effective TANs emerged in this area partly because of the reasons that Keck and Sikkink identify. Nongovernmental organizations can be shown in Thailand and the U.S. (at different times) to seize upon an issue with “high value content and informational uncertainty.”⁴¹⁰ Human trafficking and related issues of child sex tourism, for example, are such issues that evoke strong emotions and have a very high level of informational uncertainty with

⁴¹⁰ Keck and Sikkink, *Activists Beyond Borders*, 2.

regard to the scope and magnitude of the problem. Despite an international law on trafficking, there is still a great deal of disagreement about what constitutes human trafficking.

The argument has been developing that domestic and transnational advocacy networks have been responsible for framing this issue in such a way to get it onto institutional and public agendas in the U.S. and Thailand. In fact, TANs represent the structural mechanisms for how people's interests have been kept. In the U.S., an alliance between conservatives and feminist abolitionists has been able to keep trafficking on the agenda because of the dynamic interplay of politics.

Invoking Jahic and Finckenauer (2005), one of the primary reasons why trafficking has become such an important issue so quickly is because trafficking victims have been portrayed by organizations, governments and the media as “deceived victims – young, naïve, and in need of protection...playing up this scenario made the task for the growing anti-trafficking forces much easier.”⁴¹¹ This is a particularly important point to make because, although transnational advocacy networks are the main facilitators of maintaining this issue on the agenda, Jahic and Finckenauer provide an explanation for the *fuel* for the advocacy networks. If the issue had been “resolved,” there would be little reason why organizations felt that advocacy networks had to continue to remain in existence. In addition to portraying prostitutes as “victims” to make it more palatable for the public – any public – the issue that also has fueled the activities of advocacy networks is the fact that those working on this issue do not have a clear sense of the scope of the problem, though

⁴¹¹ Jahic and Finckenauer, “Representations and Misrepresentations of Human Trafficking,” 27.

this has not stopped people from claiming that the problem is growing in magnitude. The fact that most countries collect different kind of data “makes reaching meaningful conclusions about the scope of the problem practically impossible.”⁴¹²

These issues that have been cited as being the energy for the advocacy networks are very similar to the issues present during the turn of the 20th century: prostitutes were portrayed as naïve, young girls, and the scope of the “forced” aspect of prostitution was inflated. The accounts of women trafficked into exploitive prostitution have often been portrayed to justify a particular political, moral and economic regime by the U.S. government and faith-based organizations. These accounts position women as victims who need the protection of powerful interests (organizations and governments). By focusing only on the women’s labor, sexuality or mobility, these institutions fail to address the root causes of trafficking in the countries of origin, such as high rates of unemployment, abuse in families, and limited opportunities for legal migration.⁴¹³

Media accounts capitalize on the combination of sexuality and exploitation to provoke a public voyeurism by transforming the stories to be about the dehumanizing experience; the women are treated in the media as objects instead of subjects of their own histories. “Contemporary sexual trafficking experiences remain largely invisible, reflecting in large part the particular interests and agenda of those defining trafficking

⁴¹² Ibid., 28.

⁴¹³ Long, “Anthropological Perspectives on the Trafficking of Women for Sexual Exploitation,” 7.

for sexual exploitation rather than the lived experiences and perceptions of those who are trafficked.”⁴¹⁴

Conclusion

The state of the issue has much to do with the work of multiple advocacy networks over the course of many years. An effort was made in the early 1980s to create an advocacy network on “female sexual slavery;” however, it was unsuccessful. What made future advocacy networks successful was when activists in the global south were ready to connect with activists in the global north; however, the networks had to be on the terms of the “southern” activists. Multiple transnational advocacy networks framed the issue in multiple ways: trafficking as prostitution; trafficking as child prostitution; trafficking as exploitive labor migration; trafficking as modern day slavery; and trafficking as a human rights versus law enforcement concern.

Domestic and transnational advocacy networks have been instrumental in getting this issue on institutional agendas, and keeping it there. Transnational advocacy networks include “actors working internationally on an issue, who are bound together by shared values, a common discourse, and dense exchanges of information and services.” Networks form around “issue areas characterized by high value content and informational uncertainty, although the value-content of an issue is

⁴¹⁴ Ibid., 7.

both a prerequisite and a result of network activity.”⁴¹⁵ Nowhere is this more true than with the issue of human trafficking. A highly complex, multi-faceted issue, it has attracted the attention of scores of individuals, activists, and organizations around the world. The movement has facilitated the creation of dozens of new organizations wanting to work on some aspect of this issue. The lack of information that the global community still does not have on the scope of the problem, the continued disagreement over exactly what trafficking entails (despite a UN Protocol), and the agendas of ideologically and politically motivated organizations create an environment ripe for multiple advocacy networks.

Advocacy networks monitor whether certain norms are being implemented, and they are successful when their concerns are being addressed, and not so successful when their concerns are being dismissed. What is clear though, in these cases, is that if the U.S. government shared the networks’ concerns in Thailand, they were willing to put the pressure on whoever needed to be pressured in order to make progress on this issue. Of the three issues being addressed between Thailand and the United States: child sex tourism, the Thai government, and IJM, the U.S. effectively addressed child sex tourism and the slow work of the Thai government, but not the issue of IJM. But does it only come down to the willingness of the U.S. government to pursue the norms that it wants to pursue? Yes, but it takes the advocacy networks to frame the issues to get the states’ attention.

Pressure and support was an effective strategy to get the Thai government to improve its policies on trafficking. The TIP Report caused Thailand to lose face

⁴¹⁵ Keck and Sikkink, *Transnational Advocacy Networks in International and Regional Politics* (Paris: UNESCO, 1999), 89.

before its neighbors and the global community. The Thais decried the process of political pressure, but at the same time moved quickly to address the concerns of the United States.

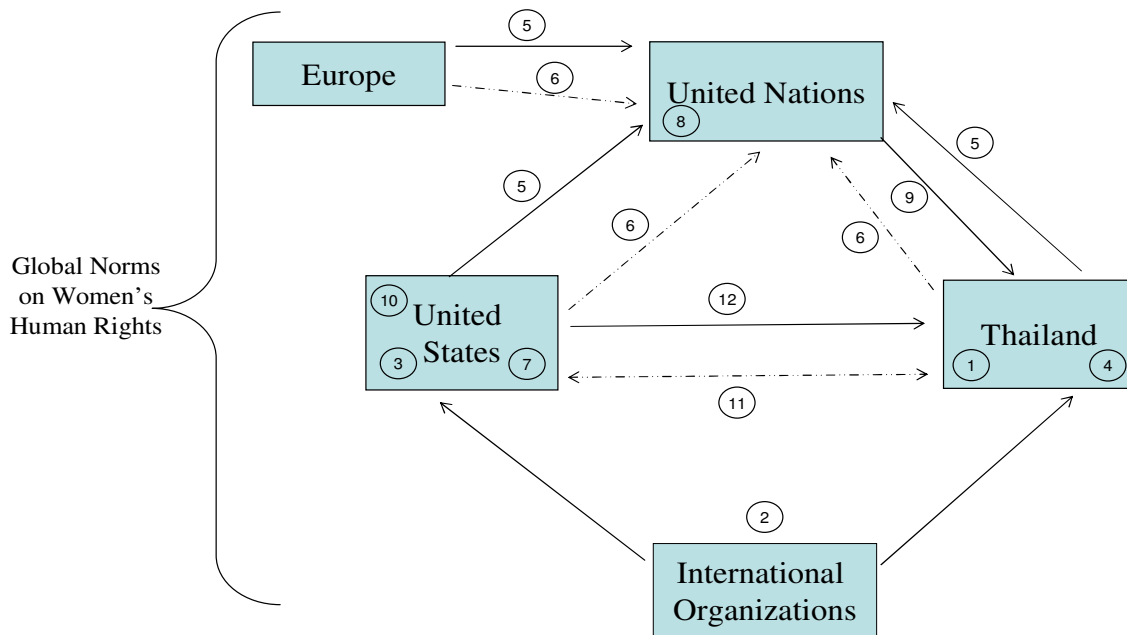
In conclusion, state power still trumps nonstate power in terms of relationships in an advocacy network. However, the nonstate actors in these networks are fully aware of this point. Nonstate actors have no delusions that they are more powerful than states, but they are aware of their ability to influence state actors. It is not pure hegemonic pressure that ultimately made the Thai NGOs feel supported, it was the pressure coupled with what was perceived to be support in the form of financial resources to the NGOs and to the Thai government. The issue remains broad enough to allow a multitude of organizations' voices so that one voice does not dominate the socio-political environment on social issues in Thailand.

The global debate has been primarily on differing strategies to combat trafficking. As Dutt (2005) argues "while we can debate differing strategies to address trafficking, it's clear that we must uphold one of the first principles of feminism: listen carefully to the voices of [people] who are most affected."⁴¹⁶

⁴¹⁶ Mallika Dutt, *Reflections on Trafficking in Women...Then and Now*, November 8, 2005. Available at: http://www.fundforward.org/uswomenwithoutborders/featured/archives/2005/11/reflections_on.html (accessed October 30, 2006).

Appendix 1

Contemporary Global Norm Development on Human Trafficking 1997-2007



1. Thailand, 1997: Legal measures on trafficking in women and children promulgated whereby women and children in forced prostitution are not criminals but victims; Thailand, 1998: domestic norm creation of multidisciplinary teams with the founding of TRAFCORD
2. GAATW publishes definition of “trafficking” and “forced labor/ slavery-like practices”
3. United States, 1998: official U.S. presidential memorandum signifying that United States would begin addressing this issue
4. TRAFCORD
5. Vienna, 1999: United States sends first draft of Protocol to Vienna; United States, Thailand, Europe send delegates to Vienna
6. NGOs; INGOs from the United States, Europe and Asia go to Vienna
7. United States Law signed into Law
8. UN Protocol decided
9. Thai activists/ delegates return to Thailand to endeavor to change Thai law in order to ratify the Protocol
10. 2001: U.S. First TIP Report; 2003 sanctions possible for tier 3 countries
11. NGO transnational networking
12. Support and pressure increases from the United States towards Thailand
13. Norms in Thailand change because of a mixture of Thai civil society activity, TAN activity and support and pressure from the U.S. government

Appendix 2

Interview Questions

International Organizations in Thailand

- 1) How would you characterize the debate in Thailand on the issue of human trafficking?
- 2) How and when did your organization first become involved in issues of trafficking?
- 3) How do you view the role of international organizations *vis à vis* the Thai government in addressing this issue?
- 4) Who do you primarily work with: Thai NGOs, the Thai government, or other International Organizations?
- 5) Do United States government policies affect the work that you do in Thailand?
- 6) Do you have any direct contact with the U.S. government either in Thailand or in the United States with regard to this issue?
- 7) In your opinion, what can Thai government do to improve the situation of trafficking in Thailand?
- 8) How do you feel that your organization is part of any larger efforts to combat trafficking?
- 9) Does the Thai government direct your activities in any way?
- 10) What is your primary strategy of communication within the network of organizations combating trafficking in Thailand?
- 11) Do you feel that there is an organized movement in Thailand to combat trafficking?
- 12) Do you feel that the current efforts are making progress?
- 13) Where do you think the pressure is coming from in Thailand to address the issue?
Is it coming from international organizations, the U.S. government, Thai NGOs, or the Thai government?
- 14) What are your biggest challenges in your work?

Nongovernmental Organizations in Thailand

- 1) What is the primary goal of your organization in combating trafficking? How and when did your organization first become involved in issues of trafficking?
- 2) Can you explain how your organization operates?
- 3) How would you characterize the debate in Thailand on the issue of human trafficking?
- 4) How do you view the role of the Thai government and International Organizations in helping Thailand address the issue?
- 5) What was the catalyst for Thailand to pass the 1997 Trafficking Act?
- 6) What is the process by which the Thai government develops policies on trafficking?

- 7) In your opinion, what other policies or actions need to be taken to address this problem?
- a. What can the Thai government do to improve the situation of trafficking in Thailand?
- 8) Do U.S. government policies affect the work that you do in Thailand?
- 9) What is your primary strategy of communication within the network of organizations combating trafficking in Thailand?
- 10) What is your opinion of other players on this issue? Who do you think is most effective? Least effective?
- 11) How do you see the role of the United States in this issue with respect to how Thailand addresses the issue? What is your opinion of the Trafficking in Persons Report released by the U.S. Department of State every year?
- 12) From whom do you receive your funding?
- 13) What are your biggest challenges in your work?

Nongovernmental Organizations in the United States

- 1) What is the primary goal of your organization in combating trafficking? How and when did your organization first become involved in issues of trafficking?
- 2) Can you explain how your organization operates?
- 3) How would you characterize the debate in United States on the issue of human trafficking?
- 4) How do you view the role of the U.S. government in addressing this issue?
- 5) What was the catalyst for the U.S. to pass the Trafficking Victims Protection Act?
- 6) What is the process by which the U.S. government develops policies on trafficking?
- 7) In your opinion, what other policies or actions need to be taken to address this problem?
- a. What can the U.S. government do to improve the situation of trafficking in U.S.?
- 8) Do U.S. government policies affect the work that you do in the U.S.?
- 9) What is your primary strategy of communication within the network of organizations combating trafficking in the U.S.?
- 10) What is your opinion of other players on this issue? Who do you think is most effective? Least effective?
- 11) What is your opinion of the Trafficking in Persons Report released by the U.S. Department of State every year?
- 12) From whom do you receive your funding?
- 13) What are your biggest challenges in your work?

Government Agencies in Thailand

- 1) What is the role of your Ministry in combating human trafficking in Thailand?
- 2) In your opinion, what other policies or actions need to be taken to address this problem?

- 3) How would you characterize the competing debates in Thailand on human trafficking?
- 4) What is the formal mechanism by which decisions are taken on the issue of human trafficking within the Thai government?
- 5) What was the catalyst for Thailand to pass the 1997 Trafficking Act?
- 6) How does the Thai government work with Thai NGOs, intergovernmental organizations, and international nongovernmental organizations in Thailand?
- 7) What was the process by which the Thai Parliament decided to pass another trafficking law?
- 8) What is the formal relationship between the Thai government and the U.S. government on the issue of trafficking?
- 9) How does the Thai government view cross border cooperation with neighboring Mekong Sub region countries?
- 10) How does the Thai government see its role in directing cross border cooperation on trafficking?
- 11) What is the process by which the Thai government develop policies on trafficking?
- 12) What are your biggest challenges in your work?

Government Agencies in the United States

- 1) What is the role of your Department in combating human trafficking in Thailand?
- 2) In your opinion, what other policies or actions need to be taken to address this problem?
- 3) How would you characterize the competing debates in the United States on human trafficking?
- 4) What was the catalyst for U.S. to pass the 2000 Trafficking Victims Protection Act?
- 5) How does the U.S. government work with American NGOs and INGOs on this issue?
- 6) What is the formal relationship between the U.S. government and the Thai government on the issue of trafficking?
- 7) What is the process by which the U.S. government develop policies on trafficking?
- 8) What are your biggest challenges in your work?

Appendix 3

Institutional Review Board Forms

English language (front)

Informed Consent Form for the research of Andrea Bertone

Page 1 of 2
Initials _____ Date _____

CONSENT FORM

Project Title	Human Trafficking on the International and Domestic Agendas: Examining the Role of Transnational Advocacy Networks between Thailand and the United States
Why is this research being done?	This is a research project being conducted by Andrea Bertone at the University of Maryland, College Park, United States. I am inviting you to participate in this research because you and/or your organization are directly or indirectly involved in combating human trafficking in the United States or Thailand, or both. The purpose of this research is to document the history of the anti-trafficking movement in Thailand and the United States, as well as to identify patterns of advocacy networks between the two countries in order to combat human trafficking.
What will I be asked to do?	The procedures involve approximately 1 hour of your time for an in-person, email, or telephone interview in which the researcher will ask you a series of questions concerning the work of your agency/organization, in addition to your work and opinions about the issue of combating human trafficking. If the interview is conducted in person, the researcher will meet you at a location mutually agreed upon.
What about confidentiality?	I will keep your personal information confidential. To help protect your confidentiality: (1) your name/organization will not be included in the research unless you indicate that it may be used; (2) handwritten notes taken during the interview will be kept in the possession of the researcher and will not be distributed to any other individual; (3) an electronic version of the notes taken by the researcher will be kept password protected on the personal computer of the researcher, and will not be accessible by any other individual. If I write a report or article about this research project, your identity will be protected to the maximum extent possible, if you do not wish that your comments be attributed to you. I am the Director of HumanTrafficking.org , a web site funded by the US Department of State. However, the information garnered by this interview will be used only for the purposes of my research connected to my PhD dissertation, or related academic publications which may stem from my dissertation. Your information may be shared with representatives of the University of Maryland, College Park or governmental authorities if you or someone else is in danger or if we are required to do so by law.
What are the risks of this research?	The only potential risk known to the researcher is that you will be asked to provide your personal thoughts on the issue of human trafficking. You will also be asked to provide information about the role of your agency /organization vis à vis other agencies/ organizations on the issue of human trafficking. If you request confidentiality, this will be provided to minimize any risk to you of this research.
What are the benefits of this research?	This research is not designed to help you personally, but the results are expected to help the investigator learn more about the relationship between the organizations and governments of Thailand and the United States working on human trafficking matters. I hope that, in the future, other people might benefit from this study through improved understanding of the relationship between organizations and governments between two countries with relation to combating human trafficking.
Do I have to be in this research? Can I stop participating at any time?	Your participation in this research is completely voluntary. You may choose not to take part at all. If you decide to participate in this research, you may stop participating at any time.

IRB APPROVED
VALID UNTIL
FEB - 3 2007
UNIVERSITY OF MARYLAND
COLLEGE PARK

English language (back)

Informed Consent Form for the research of Andrea Bertone

Page 2 of 2

Initials _____ Date _____

Project Title	Human Trafficking on the International and Domestic Agendas: Examining the Role of Transnational Advocacy Networks in Thailand and the United States
Consent of Name to be Used in Research	Please initial next to the level you wish to be identified in the research: Name/ affiliation No name, simply position and affiliation No name or position, simply affiliation Anonymous
What if I have questions?	This research is being conducted by <u>Andrea Bertone</u> at the University of Maryland, College Park. If you have any questions about the research study itself, please contact Dr. Miranda Schreurs or Ms. Andrea Bertone University of Maryland, College Park University of Maryland, College Park 3140 Tydings Hall c/o 2901 Connecticut Avenue, NW #205 College Park, MD 20742 Washington, DC 20008 (tel) +1.301.405.7797 (tel) +1.703.981.3242 <u>mschreurs@gvpt.umd.edu</u> <u>bertone_andrea@yahoo.com</u> If you have questions about your rights as a research subject, please contact: Institutional Review Board Office, University of Maryland, College Park, Maryland, 20742; (e-mail) <u>irb@deans.umd.edu</u>; (telephone) +1-301-405-0678. This research has been reviewed according to the University of Maryland, College Park IRB procedures for research involving human subjects.
Statement of Age of Subject and Consent	Your signature indicates that: you are at least 18 years of age; the research has been explained to you; your questions have been answered; and you freely and voluntarily choose to participate in this research project.

Signature and Date

NAME OF RESEACHER _____

SIGNATURE OF RESEACHER _____

DATE _____

Signature and Date

NAME OF INTERVIEWEE _____

SIGNATURE OF INTERVIEWEE _____

DATE _____



Thai language (front)

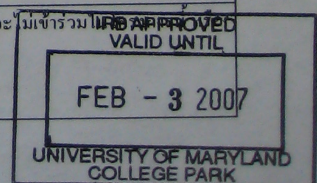
ใบแสดงคำยินยอมสำหรับงานวิจัย โดย แอนเดรีย เบอร์โท

หน้า 1 จาก 2

ชื่อ _____ วันที่สัมภาษณ์ _____

ใบแสดงคำยินยอม

ชื่อโครงการ	การค้ำนุษย์ในวาระระดับชาติและนานาชาติ: ศึกษาบทบาทของงานรณรงค์ระหว่างประเทศที่เชื่อมโยงระหว่างประเทศ
	ไทยและสหรัฐอเมริกา
ทำไมต้องทำโครงการนี้	งานวิจัยนี้ดำเนินการโดย นางสาวแอนเดรีย เบอร์โท นักศึกษาปริญญาเอก มหาวิทยาลัยแมรีแลนด์ เมืองคอลเลจ พาร์ค ประเทศสหรัฐอเมริกา ดิฉันกำลังขอให้ท่านเข้าร่วมในการวิจัยนี้ เนื่องจากท่าน และ/หรือองค์กรของท่านมีความเกี่ยวข้องกับโครงการโดยตรงหรือทางอ้อมกับการต่อต้านกระบวนการค้ำนุษย์ในประเทศไทยหรือสหรัฐอเมริกาหรือในทั้งสองประเทศ งานวิจัยนี้มีวัตถุประสงค์เพื่อจัดบันทึกประวัติศาสตร์ของการเคลื่อนไหวเพื่อต่อต้านการค้ำนุษย์ในประเทศไทยและสหรัฐอเมริกา รวมทั้งเพื่อศึกษารูปแบบของการรณรงค์ที่เชื่อมโยงระหว่างทั้งสองประเทศเพื่อต่อต้านการค้ำนุษย์
ผม/ดิฉันต้องทำอะไรบ้าง	ในการเข้าร่วมการวิจัยนี้ ต้องใช้เวลาประมาณ 1 ชั่วโมง ในการสัมภาษณ์แบบตัวต่อตัว ตอบคำถามทางอีเมลล์ หรือ สัมภาษณ์ทางโทรศัพท์ โดยนักวิจัยจะมีข้อคำถามเกี่ยวกับงานของหน่วยงาน/องค์กรของท่าน รวมทั้งงานและความคิดเห็นของท่านเกี่ยวกับประเด็นการค้ำนุษย์ หากการสัมภาษณ์เป็นแบบตัวต่อตัว นักวิจัยจะไปพบท่านในสถานที่ที่ได้ตกลงกันไว้ล่วงหน้า
รักษาความลับอย่างไร	ดิฉันจะรักษาความลับของท่านอย่างดีที่สุด และเพื่อเป็นการรักษาความลับของท่าน: (1) จะไม่มีการอ้างชื่อของท่านในงานวิจัย หากท่านมิได้อนุญาตไว้ (2) การจัดบันทึกด้วยลายมือของนักวิจัยในระหว่างการสัมภาษณ์จะถูกเก็บไว้เป็นสมบัติส่วนตัวของนักวิจัย และจะไม่มีการแจกจ่ายให้ผู้อื่นได้อ่าน (3) หากมีการบันทึกการสัมภาษณ์เป็นไฟล์อิเล็กทรอนิกส์ ไฟล์นั้นจะถูกเก็บไว้ในคอมพิวเตอร์ของนักวิจัยและจะต้องมีรหัสผ่านเพื่อเปิดไฟล์ ซึ่งจะไม่บุคคลอื่นสามารถเปิดดูได้ เมื่อมีการเขียนรายงานหรือบทความจากโครงการวิจัยนี้ ข้อมูลที่ระบุถึงตัวท่านจะได้รับการปกปิดอย่างดีที่สุด หากท่านไม่ต้องการเปิดเผยว่าท่านเป็นผู้ให้ข้อมูลกับโครงการวิจัยนี้ ดิฉัน เป็นผู้อำนวยการโครงการ HumanTrafficking.org ซึ่งเป็นเว็บไซต์ที่ได้รับทุนสนับสนุนจากรัฐบาลสหรัฐอเมริกา อย่างไรก็ตาม ข้อมูลจากการสัมภาษณ์นี้ จะถูกนำไปใช้ในการทำวิทยานิพนธ์ ปริญญาเอก และงานเขียนทางวิชาการที่ขายต่อมาจากวิทยานิพนธ์นี้เท่านั้น ในกรณีที่ท่านหรือบุคคลอื่นใดอาจได้รับอันตราย หรือด้วยกฎหมายบังคับ ดิฉันอาจมีความจำเป็นต้องแสดงข้อมูลที่ระบุถึงตัวท่านให้แก่ผู้แทนของมหาวิทยาลัยแมรีแลนด์ คอลเลจ พาร์ค หรือเจ้าหน้าที่รัฐบาล
ผม/ดิฉันจะมีความเสี่ยงอย่างไรบ้าง	ความเสี่ยงเพียงประการเดียวที่จะเกิดขึ้น คือ การที่ท่านจะต้องแสดงความคิดเห็นส่วนตัวต่อประเด็นการค้ำนุษย์ รวมทั้งข้อมูลเกี่ยวกับบทบาทของท่าน / หน่วยงานของท่าน เปรียบเทียบกับองค์กร/หน่วยงานอื่นๆ ที่เกี่ยวข้องกับประเด็นการค้ำนุษย์ อย่างไรก็ตาม หากท่านต้องการให้เป็นความลับ ดิฉันจะรักษาไม่เปิดเผยข้อมูลที่สามารถระบุถึงตัวท่านได้ เพื่อก่อให้เกิดความเสี่ยงต่อตัวท่านให้น้อยที่สุด
งานวิจัยนี้มีประโยชน์อย่างไร	งานวิจัยนี้มีได้ออกแบบมาเพื่อเป็นประโยชน์แก่ท่านเป็นการส่วนตัว แต่ผลการศึกษาจะช่วยให้นักวิจัยได้เรียนรู้มากขึ้นเกี่ยวกับความสัมพันธ์ขององค์กรต่างๆ และรัฐบาลของประเทศไทยและสหรัฐอเมริกา เราหวังว่า ในอนาคต อาจมีบุคคลอื่นได้รับประโยชน์จากการวิจัยนี้ ด้วยการมีความเข้าใจที่ดีขึ้นเกี่ยวกับความสัมพันธ์ขององค์กรต่างๆ และรัฐบาลของทั้งสองประเทศ ในด้านที่เกี่ยวข้องกับการต่อต้านการค้ำนุษย์
ผม/ดิฉันจำเป็นต้องเข้าร่วมงานวิจัยนี้หรือไม่ จะยกเลิกการเข้าร่วมโครงการเมื่อใดก็ได้หรือไม่	การเข้าร่วมในโครงการวิจัยนี้เป็นความสมัครใจของท่านอย่างสมบูรณ์ ท่านสามารถเลือกที่จะไม่เข้าร่วมได้ตลอดเวลา หากท่านตัดสินใจที่จะเข้าร่วมในโครงการนี้ ท่านสามารถที่จะยุติการให้ข้อมูลได้ตลอดเวลา



Thai language (back)

ใบแสดงคำยินยอมสำหรับงานวิจัย โดย นางสาว แอนเดรีย เบอร์โทน

หน้า 2 จาก 2

ชื่อย่อ _____ วันที่สัมภาษณ์ _____

ชื่อโครงการ	การศึกษามนุษย์ในวาระระดับชาติและนานาชาติ: ศึกษาบทบาทของงานรณรงค์ระหว่างประเทศที่เชื่อมโยงระหว่างประเทศไทยและสหรัฐอเมริกา
ระบุชื่อที่ยินยอมให้ใช้ในงานวิจัย	กรุณาระบุรูปแบบที่ท่านอนุญาตให้อ้างถึงตัวท่านในงานวิจัยนี้: ชื่อ/หน่วยงานต้นสังกัด ไม่ระบุชื่อ แต่ให้ระบุตำแหน่งและหน่วยงานต้นสังกัด ไม่ระบุชื่อและตำแหน่ง แต่ให้อ้างอิงหน่วยงานต้นสังกัด ไม่ประสงค์จะเปิดเผยชื่อ
หากผม/ดิฉันมีข้อสงสัย	งานวิจัยนี้ดำเนินการโดย นางสาวแอนเดรีย เบอร์โทน จากมหาวิทยาลัยแมรีแลนด์ เมืองคอลเลจพาร์ก หากท่านมีข้อสงสัยประการใดเกี่ยวกับงานวิจัยนี้ กรุณาติดต่อ ดร. มिरันดา เซอร์ส นางสาวแอนเดรีย เบอร์โทน Dr. Miranda Schreurs Ms. Andrea Bertone University of Maryland, College Park University of Maryland, College Park 3140 Tydings Hall, College Park, MD 20742 c/o 2901 Connecticut Avenue, NW #205, (โทรศัพท์) +1.301.405.7797 Washington, DC 20008 mschreurs@gvpt.umd.edu (โทรศัพท์) +1.703.981.3242 bertone_andrea@yahoo.com หากท่านมีข้อสงสัยเกี่ยวกับสิทธิของท่านในฐานะผู้ให้ข้อมูล กรุณาติดต่อ: Institutional Review Board Office, University of Maryland, College Park, Maryland, 20742; (e-mail) irb@deans.umd.edu ; (โทรศัพท์) +1-301-405-0678 งานวิจัยนี้ผ่านกระบวนการพิจารณาตามขั้นตอนพิจารณาจริยธรรมในการทำงานวิจัยของมหาวิทยาลัยแมรีแลนด์ เมืองคอลเลจพาร์ก สำหรับการวิจัยในมนุษย์
อายุของผู้ให้ข้อมูล และคำยินยอม	การลงลายมือชื่อของท่านในเอกสารฉบับนี้เป็นการยืนยันว่า ท่านมีอายุอย่างน้อย 18 ปี ท่านได้รับการอธิบายเกี่ยวกับงานวิจัยนี้แล้ว คำถามของท่านได้รับการตอบจนหมดสิ้น และ ท่านได้เลือกที่จะเข้าร่วมในโครงการวิจัยนี้อย่างอิสระ และด้วยความสมัครใจ

ลงชื่อและวันที่

ชื่อนักวิจัย _____

ลงชื่อ _____

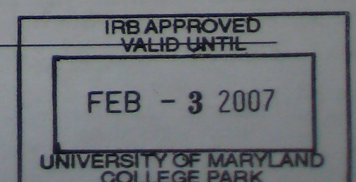
วันที่ _____

ลงชื่อและวันที่

ชื่อผู้ให้ข้อมูล _____

ลงชื่อ _____

วันที่ _____



Appendix 4

Short annotation of relevant NGOs, international organizations, and government agencies in the United States and Thailand that have played an integral role in combating human trafficking.

United States

Academy for Educational Development (AED)

A development NGO based in Washington, DC, AED hosts the <http://www.HumanTrafficking.org> Web site funded by the United States Department of State.

Break the Chain Campaign

An NGO based in Washington, DC, Break the Chain advocates for a greater policy and practical focus on the problem of labor trafficking in the United States. Break the Chain also provides legal and psychosocial services to victims of labor trafficking, particularly domestic servitude.

Coalition to Abolish Slavery & Trafficking (CAST)

An NGO based in Los Angeles, California, CAST is one of the leading service providers for victims of human trafficking in the United States; one of the founding members of the Freedom Network USA.

Coalition Against Trafficking in Women (CATW)

An NGO based in Massachusetts, CATW was a leading advocate during the writing of the UN Protocol 1999 and 2000 of the “feminist abolitionist” position in the development of the trafficking definition; Kathleen Barry, author of *Female Sexual Slavery* (1979) is the founder of CATW.

Free the Slaves

An NGO based in Washington, DC, Free the Slaves is the sister organization to Anti-Slavery International based in London and the oldest anti-slavery organization in the world. Free the Slaves conducts research on trafficking in the United States and globally, and advocates for a broader understanding of human trafficking in the U.S.

Global Survival Network (GSN)

An NGO founded in 1990s and no longer in existence, GSN was one of the first U.S.-based organizations to bring attention to U.S. law makers and others the problem of trafficking in women from the former Soviet states to Western Europe and the U.S.; created the documentary film “Bought and Sold” in 1997 in which they went undercover in Russia and other countries of the former Soviet Union to show how recruiters tricked women into thinking they would be having certain kinds of jobs in Western countries, and instead were forced into prostitution; documentary played a very important role in leading lawmakers to begin negotiations for the Trafficking Victims Protection Act (2000).

International Justice Mission (IJM)

An INGO founded in 1997, IJM is a Christian, faith-based organization that has been working in Thailand, Cambodia, India and Uganda to rescue women and children out of unjust situations, especially prostitution. IJM's activities in Thailand became the target of Thai and American activism because of their controversial tactics in trying to remove women and girls from prostitution. They tried to change their image in 2003 by funding Thai organizations in Northern Thailand and taking a less aggressive approach to their activities by trying to cooperate with local partners. However, as of 2007, they will be shutting down their Chiang Mai operations in Thailand because few Thais would cooperate with them.

Prevent Human Trafficking Institute (formerly Project HOPE International) (PHT)

An INGO founded in 1999 by an American woman who grew up in South and Southeast Asia, PHT was founded in order to provide support to child shelters in Thailand, and to advocate on behalf of Thai NGOs to the U.S. government. PHT has taken study trips every year to Thailand between 2001 and 2007 which has been the primary vehicle by which PHT has been able to support the shelters and maintain supportive donors back in the U.S.

Global Rights Global Partnerships

Formerly the International Human Rights Law Group (IHRLG), Global Rights has been at the forefront of advocacy in the U.S. and internationally on the issue of human trafficking. In the 1990s, as the IHRLG, it was a leading advocate during the writing of the UN Protocol in 1999 and 2000 of the human rights position in the development of the trafficking definition. It advocated to keep separate in the definition of trafficking voluntary migrant prostitution from forced prostitution. In the U.S., it advocated for a broader scope of the Trafficking Victims Protection Act, and it was one of the founding members of the Freedom Network USA.

Vital Voices Global Partnerships

The *Vital Voices Democracy Initiative* was established in 1997 by then-First Lady Hillary Rodham Clinton and former Secretary of State Madeleine Albright after the United Nations Fourth World Conference on Women in Beijing to promote the advancement of women as a U.S. foreign policy goal. Vital Voices was the nonprofit arm of PICW and has been an advocate for greater cooperation between civil society, governments, and the private sector on trying to combat human trafficking. Vital Voices has honored Saisuree with awards for the work she has done in Thailand, and in 2006, organized a civil society/ government collaboration on trafficking conference in Bangkok.

Thailand

Association François Xavier Bagnoud (FXB)

A Swiss NGO whose work has focused on Burma and Thailand, FXB alerted Saisuree in 1991 that 95 Burmese children were in a prostitution situation in Thailand. Saisuree consistently mentions the event as being a catalyst for her serious involvement on the issue of trafficking and child prostitution in Thailand.

Center for the Protection of Children's Rights (CPCR)

A Thai NGO founded in 1991, CPCR has been a leading advocate for children's rights and child protection in Thailand. It pioneered the multi-disciplinary team approach to providing care to children at risk for abuse, prostitution, and trafficking. They work closely with other Thai NGOs.

Chiang Mai Center for the Protection of Children's Rights (CCPCR)

A Thai NGO, CCPCR has been one of the primary child protection centers in Northern Thailand. It is an integral part of TRAFCORD, the network to combat trafficking in Northern Thailand.

Development and Education Program for Daughters and Communities (DEPDC)

A Thai NGO founded in 1989, DEPDC has been one of the leading organizations in Northern Thailand – located on the border of Thailand and Burma – sheltering and educating at risk and orphaned children, especially girls. The work of DEPDC is highly respected and they receive funding from many international donors. The founder, Sompop Jantraka, has been a pioneer in his approach to trafficking which focuses on prevention.

Ecumenical Coalition on Third World Tourism (ECTWT)

In 1988, ECTWT launched an advocacy project on child prostitution and tourism. The aim was to uncover and document the connections between tourism and increasing volume of prostitution as a basis for further action. Three countries – Sri Lanka, Philippines, and Thailand – were initially chosen for the research project, and in 1990, the results of the research were presented at a conference in Chiang Mai, Thailand. The End Child Prostitution in Asian Tourism (ECPAT) was formed from that conference.

End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (formerly End Child Prostitution in Asian Tourism) (ECPAT)

A transnational coalition, ECPAT was founded in 1991 in Thailand, evolving out of the Ecumenical Coalition on Third World Tourism's research on the negative effects of tourism on children in Asia. Sudarat Sereewat was the first Secretary General of ECPAT. ECPAT International's headquarters are still in Bangkok, but there are dozens of country members.

EMPOWER

A Thai NGO based in Bangkok, EMPOWER advocates for the rights of sex workers in Thailand. EMPOWER is based in the red light district of Bangkok and

provides psychosocial and health services, as well as educational classes (such as English language instruction) for women who are engaged in the sex industry of Bangkok. Once thought to be a progressive organization by the U.S. government, their funding was eventually cut because of their position on prostitution.

Fight Against Child Exploitation (FACE)

A Thai NGO founded in 1995, FACE was an off shoot of ECPAT. As Sudarat was the first Secretary General for ECPAT, she wanted the attention of ECPAT on monitoring cases of child prostitution in Thailand. However, the founding members felt that the role for ECPAT should be broader. Therefore, in 1995, Sudarat founded FACE so that she could monitor cases being handled by the Thai police and the Thai judiciary. Sudarat has built a reputation for being extremely devoted to this issue, and has developed strong relationships with Thai police and other important Thai ministries involved in combating trafficking related issues.

Foundation for Women (FFW)

A Thai NGO founded in 1984, the FFW is still one of the premier feminist activist organizations in Thailand today on the issues of trafficking and prostitution. The FFW is directed by Siriporn Skrobanek and focuses upon issues of women's labor, prostitution, and violence against women. FFW developed anti-trafficking tactics, which included research, legal advocacy in Thailand, and as well as support of Thai women in other countries who were pursuing prosecution cases, in collaboration with organizations in the countries where trafficking prosecutions were being initiated. Today, FFW works to provide migrant women in Thai detention centers as much information about their choices as possible.

Global Alliance Against Traffic in Women (GAATW)

An international coalition, GAATW was formed at an International Workshop on Migration and Traffic in Women in Thailand in October 1994. the Foundation for Women hosted this international workshop. GAATW, still based in Bangkok, is an alliance of feminists that coordinates research and action against trafficking in women. GAATW was a member of the advocacy network which supported a distinction made in international law between prostitution and trafficking. After the UN Protocol was decided upon, GAATW spent a great deal of time using its networks to advocate to governments to ratify the Protocol.

International Justice Mission (IJM)

See above.

International Labour Organization (ILO)

An intergovernmental organization, the ILO in Thailand has in the past several years improved the understanding of the situation of child labor, child prostitution and trafficking in the Mekong Sub region through a robust series of reports.

International Organization for Migration (IOM)

An intergovernmental organization, IOM in Thailand plays a very important role vis a vis the Thai government facilitating the safe repatriation of victims of trafficking as well as other illegal migrants in Thailand. IOM also facilitates the transportation of abused migrants from the detention centers to the shelters and coordinates the repatriation from the shelters to the home country. IOM also participates in bi-lateral MOUs between Thailand and other countries, especially in the Mekong Sub region.

Mekong Regional Law Center (MRLC)

Run by Professor Pisawat Sukonthapan, the Mekong Regional Law Center coordinates dialogue on legal issues related to trafficking in the Mekong Sub region.

Migrant Assistance Program (MAP)

Based in Northern Thailand, MAP advocates for migrants' rights and its focus is on safe migration. MAP assumes that migrants are rational individuals who are not provided all the information necessary for them to make informed decisions about migrating from one place to another. MAP primarily works with exploited sex workers by trying to obtain compensation for them through the Thai court system.

Mirror Art Foundation/Group (MAG)

Founded in 1991 by a group of political activists and artists, the Mirror Art Group is a non-profit non-government organization (NGO) working in the Mae Yao sub-district of Chiang Rai province in northern Thailand. They employ a number of projects to help the peoples of the Mae Yao area make a better life for themselves while still retaining their cultural identities. They believe that with a strong, active community, the hill tribes can make the transition to a beneficial coexistence with lowland Thai society and combat such issues as drug abuse, erosion of culture and trafficking of women and children.

New Life Center (NLC)

A shelter founded by American Christian missionaries in Northern Thailand in the 1980s, the New Life Center enjoys a respected place among the NGOs in Thailand. The New Life Center works exclusively with ethnic hill tribe girls who have been abused, are at risk for being abused, or trafficked. The girls are able to live at the shelter, attend school and receive vocational training to gain valuable skills.

Shan Women's Action Network (SWAN)

Based in Thailand, SWAN is a founding member of the Women's League of Burma, an umbrella organization comprising 11 women's groups from Burma. Made up of women from the Shan ethnic group, SWAN advocates for the rights of migrant sex workers in Thailand and tends to be fairly critical of the Burmese and Thai governments.

The Asia Foundation (TAF)

An American development agency with projects throughout Asia, TAF has funded the training of local government officials throughout Thailand to be able to recognize a situation of trafficking and to collaborate with other actors in a province – called the Chiang Mai model. TAF also funds the Web site: <http://www.tipinasia.info>

Anti-Trafficking Coordination Unit Northern Thailand (TRAFCORD)

TRAFCORD, multi-disciplinary team of police, social workers, doctors, government bureaucrats, and civil society organizations, has pioneered what has come to be known as the “Chiang Mai Model.” This model represents a coordination and cooperation mechanism of governmental and nongovernmental actors in the pursuit to address several related social problems in Northern Thailand: child abuse and human trafficking.

United Nations Educational Scientific and Cultural Organization (UNESCO)

Under UNESCO's special mandate for ethnic and indigenous minorities, the Trafficking and HIV/AIDS Project tackles the linked triad of problems—HIV/AIDS, trafficking, and non-traditional drug use—in the Greater Mekong Sub region, by researching, developing, and implementing programs which crosscut these issues to address the needs of at-risk and vulnerable populations.

Appendix 5

Thai Laws Relevant to Trafficking

1996 Prostitution Act

According to the 1996 Act, prostitution of anyone over 18 years old is not a crime (essentially prostitution became decriminalized though still illegal), however, the penalties increased for procurers and brothel owners. Prostitution *is* however an offense when the prostitute upsets public order by soliciting, offering and advertising his/her service. The punishment is a fine of 1,000 Baht (approximately US \$25) and no imprisonment or compulsory rehabilitation. The strength of the law, however, is its emphasis on the suppression of child prostitution. All parties including customers, parents and guardians of the child will get punished. Children involved in prostitution will be sent by court order for two years of rehabilitation. The aim of this is to enable them to build a new life by providing them with vocational training. Those who benefit from commercial sexual exploitation of children can be punished with up to 20 years imprisonment and a customer who uses the commercial sex service of a child under 18 or under 15 years of age is liable to receive up to three or six years imprisonment, respectively. A parent who sells his or her child to work in a commercial sex business is also subject to punishment of up to 20 years imprisonment.

1997 Trafficking Measures

The Trafficking Measures do not create additional criminal offences, except in establishing penalties for attempting to commit acts related to trafficking and for conspiring to commit such offenses. Rather, it grants additional powers to law enforcement officials to facilitate their efforts to suppress crimes already prohibited by other legislation. Section 5 of the Act describes the types of offences covered by this law:

In committing an offence concerning the trafficking in women and children, buying, selling, vending, bringing from or sending to, receiving, detaining or confining any woman or child, or arranging any woman or child to receive any act, for sexual gratification of the third person, for an indecent sexual purpose, or for gaining any illegal benefit for him/herself or another person, with or without the consent of the woman or girl, which is an offence under the Penal Code, the law on prostitution prevention and suppression, the law on child and youth welfare, or this Act, the official is authorized to enforce power under this Act.⁴¹⁷

The anti-trafficking act covers women, boys and girls, but does not protect trafficked men. The 1997 Act provides protection not only to Thai women and children, but also to those from foreign countries. Although the Measures focus on the trafficking for prostitution use, the interpretation has been stretched to cover other forms of trafficking such as labor trafficking. The law establishes the precedent for providing shelter and assistance to victims of trafficking from other countries, with the eventual

⁴¹⁷ Human Rights Watch, "Owed Justice."

goal of providing them some training and repatriating them to their home country. It also allows the taking of early deposition of witnesses which helps cross-border victims give evidence and return home more quickly.

The passage of these acts reflects the ongoing domestic debates on the conception of prostitution of adults and children at the time. Thai prosecutors and NGOs have other laws at their disposal to strengthen their efforts to combat trafficking. For example, there is the Penal Code Amendment Act (No. 14) B.E. 2540 (1997) which specifies that the following acts are considered an offense: purchasing, selling, distributing, taking or acquiring a child, boy or girl, for the purpose of sexual fulfillment to oneself or others, for indecent purposes, for other exploitation, be it forcing a child into begging or child laboring in cruel working conditions.⁴¹⁸ The Criminal Procedure Amendment Act (No. 20) of 1999 stipulates the procedures for the interviewing of any child under the age of 18 in the position of victim, witness, or offender. This must be performed privately in a suitable place in the presence of psychologist or social worker and public prosecutor, including any person the child may request to participate in such an interview. Any statement made by these children is videotaped to prevent repetitive testimony given by these children in the process, especially in case of sexual abuse. During the trial, the victim or witness is placed in a suitable room for children to avoid confrontation with the accused. The testimony will carry out by means of video conferencing between the court room and the room from which the child gives testimony.⁴¹⁹

⁴¹⁸ United Nations Congress on Crime Prevention and Criminal Justice, *Thailand Country Report*. "Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice," the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, April 18-25, 2005, Bangkok, Thailand. Available at: http://www.arcppt.org/docs/TH_CJS_2005.pdf (accessed on December 5, 2006).

⁴¹⁹ United Nations Congress on Crime Prevention and Criminal Justice, *Thailand Country Report*.

Appendix 6

U.S. government funding to entities (NGOs, IOs, and government agencies) in Thailand from Fiscal Year 2002 to Fiscal Year 2006

Fiscal Year	<i>Funding Level (USD)</i>	Entity Funded
2002	<i>N/A</i>	Thai Government/IOM; UNODC; AED; Thailand Criminal Law Institute (Attorney General's Office); Royal Thai Police; Hotline Center Foundation and Police Emergency 191; Thai Government Department of Public Welfare; The Asia Foundation (with sub recipients: IMPECT, Hotline Center Foundation, Gab Fai Community Theatre, Thai National Council for Women, CCPCR, FACE, Law Society of Thailand Committee for Human Rights; IOM; International Justice Mission; World Vision.
2003	<i>\$1,850,299</i>	IOM, Meridian International Center, FACE, Hotline Foundation, Thai Government Police Department; Coordination Center for Protection of Child Rights; Thai Government, Special Investigation Department; Thai Government, Office of the Attorney General; The Asia Foundation.
2004	<i>\$1,406,200</i>	AED, World Vision, IOM, DAI, TAF, World Learning, TRAFCORD, FACE, DEPDC, New Life Center, CCPCR.
2005	<i>\$699,066</i>	IOM, World Vision, Thai Government (CCPCR); Thai Government (Hotline Foundation); The Mirror Foundation; International Institute for Education.
2006	<i>\$150,000</i>	IOM; ILO/IPEC; Vital Voices.

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